

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46918 of 2015

Arising Out of Kochadhaman PS.Case No. -51 Year- 2015 Thana -KOCHADHAMAN District-
KISANGANJ

- =====
1. Noorul Haque S/o Late Md. Tahir
 2. Md. Ashfaque Alam, S/o Late Md. Tahir,
 3. Hashim @ Md. Hasim S/o Manzoor, all are resident of village Fulwari,
P.S. Kochadhaman, District-Kishanganj.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Raj Kumar, Advocate.

For the Opposite Party : Mr. Suresh Pd. Singh (APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 29-03-2016 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners apprehended their arrest in connection with Kochadhaman P.S. Case No. 51/2015 registered for the offences punishable under Sections 147, 149, 323, 324, 307, 379, 354(B), 436, 504 and 506 of the Indian Penal Code.

The case diary in the present case has been called for which has been received.

Learned counsel for the petitioners submits that the present case is of mischievous application of mind of the informant with whom the petitioner had been on litigating terms. It is submitted that though there is an allegation against the petitioner Nurul Haque having attacked the informant on the nose

but the injury has been found to be simple in nature. So far as the allegation against petitioner no.2 Md. Ashfaque Alam is concerned, the allegation is of having outraging the modesty of the wife of the informant.

Learned counsel for the petitioners further submits that there is no allegation against the petitioner no.3. As far as the allegation that the house was burnt is concerned, there is no material available in the case diary to substantiate that the informant's house had been set ablaze by the accused persons.

Learned counsel appearing on behalf of the informant submits that the nature of injuries are serious and they have also criminal antecedent. Therefore, they do not deserve the privilege of anticipatory bail.

Learned counsel appearing on behalf of the State however submits that as far as the allegation made in the case diary is concerned, there is no material therein to indicate that the house of the informant had also been burnt. On the contrary at the place of occurrence the firewood found to be made available in one of the rooms. It is further pointed out that from perusal of case diary, it appears that there was enmity between the parties and one more case has been filed by the informant against these petitioners.

Considering all the facts and circumstances of the case and the nature of injury, alleged to have been inflicted, let the petitioners above named, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 51/2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J.)

Amit/-

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