

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39712 of 2016

Arising Out of PS.Case No. -130 Year- 2016 Thana -FALKA District- KATIHAR

1. Md. Ishaque Son of late Ismail
2. Md. Istiyaque Alam @ Istiyaque Son of Md. Ishaque
3. Md. Ezaz son of Md. Ishaque
All are resident of Village Shalehpur, P.S. Falka District Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-09-2016

Heard both sides.

The petitioners, namely, Md. Ishaque, Md. Istiyaque Alam @ Istiyaque and Md. Ezaz, apprehend their arrest in Falka P.S. Case No. 130/2016 registered under Section 307 and other sections of the Indian Penal Code.

Md. Samiruddin named the petitioners and alleged that the petitioners stopped him from lifting soil and began to abuse the informant. Md. Istiyaque (petitioner no. 2) is alleged to have assaulted the informant with iron rod which hit on the left shoulder of the informant. Md. Ezaz (petitioner no. 3) is alleged to have assaulted the informant with Khanti on his head. Md. Ishaque (petitioner no. 1) is said to have assaulted the son of the informant with lathi. The allegation of theft is also made.

Sri Ajit Kumar Singh, learned counsel for the petitioners, submits that there is a counter-version being Falka P.S. Case No. 130/2016. Md. Ishaque is the informant of the case. The petitioners earlier filed an informatory petition. The son of the petitioner no. 1 was married to the daughter of the informant Md. Samiruddin and the husband and the wife did not keep well and the dispute resulted in divorce.

Of course, the informant got one grievous injury on his shoulder, the author of which is Md. Istiyaque Alam @ Istiyaque (petitioner no. 2). The son of the informant and the wife of the informant got simple injuries.

Considering the facts that on account of assault made by petitioner no. 1 Md. Ishaque and petitioner no. 3 Md. Ezaz, simple injuries were caused to the informant and his son and on account of the assault made by petitioner no. 2 Md. Istiyaque Alam @ Istiyaque, cervical bone of the informant was found fractured and the same is opined to be grievous in nature, I am not inclined to enlarge petitioner no. 2 Md. Istiyaque Alam @ Istiyaque on anticipatory bail in Falka P.S. case No. 130/2016. Accordingly, the same is rejected.

So far as the case of petitioner no. 1 Md. Ishaque and petitioner no. 3 Md. Ezaz is concerned, they caused simple injuries

to the informant and his son and there is a counter version, the above named petitioners no. 1 and 3, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to 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 the learned A.C.J.M. V, Katihar in Falka P.S. Case No. 130/2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Dilip/-

U		T	
---	--	---	--