

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4548 of 2016

Arising Out of PS.Case No. -302 Year- 2015 Thana -BARHARIA District- SIWAN

- =====
1. Mahtab Mian @ Mahtab Alam son of Haider Ali
 2. Aftab son of Late Sahebjan Mian
 3. Sabbir @ Sabir Ali Son of Shahabuddin

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Smt.Asha Devi (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-02-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 448, 341, 323, 324, 379, 308, 504, 506/34 of the Indian Penal Code.

Prosecution case is that the accused persons came when petitioner no.1 Mahtab Mian resorted to fire but it actually misfired and thereafter he assaulted with butt of the country made pistol to the son of the informant namely Sonu. It is alleged against the petitioner no.3 Sabbir that he snatched gold chain from the female members of the informant when it is alleged against petitioner no.2 Aftab that he entered into the house of the informant along with other accused persons.

It is submitted by learned counsel for the petitioners

that injury report of the son of the informant, who was alleged to have been assaulted by petitioner no.1, is not on record. A statement to that effect has been made in para 8 of the petition which reads as follows:-

"8. That as per FIR it is alleged that Mahtab Mian petitioner no.1, assaulted to Sonu by the butt of country made pistol. It is humbly submitted that there is no injury report of Sonu on the record. The same create serious doubt upon the whole prosecution case."

It is further submitted that there is counter version of the occurrence also wherein petitioners' side have also received injuries.

It is submitted by learned counsel for the informant that one Munna from the informant's side received grievous injury but there is nothing on record about assault being made to Munna. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the

satisfaction of the learned CJM, Siwan in connection with
Barharia P.S. Case No.302/2015, subject to the conditions as laid
down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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