

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46317 of 2016

Arising Out of PS.Case No. -270 Year- 2016 Thana -PURNEA SADAR District- PURNIA

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1. Md. Aminuddin @ Aminuddin,
 2. Md. Mohsin @ Mohsin Alam
 3. Nayeemuddin, All sons of Akhtar Hussain, Resident of Village – Mahendrapur, P.S. – Sadar (Mufassil), District – Purnia.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate.
For the Opposite Party : Mr. Madan Kumar, APP.
For the Informant : Mr. Vivekanand Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-11-2016 Heard both sides.

Learned counsel for the petitioners submitted that petitioner no. 1 Md. Aminuddin @ Aminuddin and petitioner no. 3 Nayeemuddin have already been arrested. Accordingly, prayer for anticipatory bail on behalf of petitioner no. 1 Md. Aminuddin @ Aminuddin and petitioner no. 3 Nayeemuddin is dismissed as has become infructuous.

The petitioner no. 2 Md. Mohsin @ Mohsin Alam apprehends his arrest in Sadar (Mufasil) P.S. Case No. 270 of 2016 registered for the offences punishable under Section 302 and other Sections of the Indian Penal Code.

Md. Sharif, the informant alleged that Md. Mohsin @ Mohsin Alam, the petitioner no. 2, Md. Aminuddin @ Aminuddin

petitioner no. 1, Nayeemuddin, petitioner no. 3 and Md. Tabarak abused him and assaulted him on 24.07.2016 but again at about 07:30 in the evening on the same day all the four accused persons along with Bibi Sambula, Bibi Bujni came and assaulted the informant with sticks. When the mother of the informant came Md. Tabarak assaulted her with fists and slaps and his mother fell down and became unconscious. The mother of the informant died during course of treatment.

Learned counsel for the petitioners submits that the informant did not receive any injury. The petitioner is not the assailant of the deceased, mother of the informant. Only Md. Tabarak is alleged to have assaulted the deceased with fists and slaps. The petitioners are neighbours of the informant.

On the other hand Shri Vivekanand Singh, learned counsel for the informant vehemently opposed the prayer for anticipatory and very fairly submitted that the petitioner is not assailant of the deceased.

Considering the facts aforesaid, the petitioner no. 2 Md. Mohsin @ Mohsin Alam, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten

Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnia in Sadar (Mufasil) P.S. Case No. 270 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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