

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14936 of 2016

Arising Out of PS.Case No. -130 Year- 2015 Thana -NAWAKOTHI District- BEGUSARAI

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Md. Israil @ Israil

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,337,323,307 and 504 of the Indian Penal Code.

The prosecution case is that on 13.10.2015 at 9 P.M. when the informant Md. Usman was watching the marriage procession while standing near the mosque, in the meantime, accused persons came and started assaulting him. On protest, co the petitioner assaulted with sword which actually caused injury on the left side of eye of the informant when Raushan Khatoon came to rescue the informant then she was also assaulted by the petitioner causing cut injury on her head. It is further alleged that Co accused Afzal assaulted Sabana with iron rod on the head

when Rukhsana came to rescue then she was also assaulted by co accused Md. Alam with bricks. It is also alleged that other co accused Md. Ismail, Md. Ainul and Md. Hafiz also made assault with lathi to the informant. The cause of occurrence was the dispute with regard to the mosque.

It is submitted by the learned counsel for the petitioner that there is specific accusation against the petitioner to have assaulted the informant and subsequently to Raushan Khatoon with sword but the informant has received one abrasion injury of marginal size below the left eye simple in nature whereas Raushan Khatoon received one lacerated injury of marginal size skin deep on the forehead which was found to be simple in nature caused by hard and blunt substance. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation not being corroborated with the medical opinion so far as the petitioner is concerned and Statement made in paragraph 3 of the petition that the petitioner has no criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand)

with two sureties of the like amount each to the satisfaction of learned
JM Ist Class, Begusarai, in connection with Naokothi P.S. Case
No.130 of 2015 subject to the conditions as laid down under
Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Anil/-

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