

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30810 of 2016

Arising Out of PS.Case No. -61 Year- 2016 Thana -KAMTAUL District- DARBHANGA

- =====
1. MOAJ AKRAM AFAQUI @ MOAJ AHMAD FAHARU
 2. Wakar Ahmad Faharu S/o Hashmat Ali @ Pyare
 3. Saziuzzama @ Faiyaz S/o Late Shaukat Ali
 4. Samiuzzama @ Suthare S/o Late Shaukat Ali
 5. Taha Haidar Afaqui @ Taha Haidar Aaqui S/o Samiuzzama @ Shuthare
 6. Iftekhar Ahmad @ Pappu S/o Hashmat Ali @ Pyare
 7. Haidar Ali S/o Late Shaukat Ali All Resident of village- Kumhrauli, P.S.- Kamtaul, District- Darbhanga

.... Petitioners

Versus

The State of Bihar Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Jha
For the Opposite Party/s : Smt. Veena Kumari Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-08-2016 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 307, 504, 379 of the Indian Penal Code.

Prosecution case is that on 24.4.2016 at 5.30 PM the informant was at his door alongwith his co-villager Parwej and others, when all of a sudden the accused persons alongwith Zaki-ul Zama, who was contesting the Panchayat election for the post of Mukhiya came variously armed, abused the informant and Zaki-ul Zama asked as to why informant did not cast vote in his favour. Thereafter on the order of Zaki-ul Zama, co-accused Ali Asgar assaulted with sword on the head of the informant.



Thereafter Iftekhar Ahmad (petitioner no.6) assaulted with iron rod on the hand of the informant as a result he fell down on the ground thereafter the other accused persons assaulted with fists and slaps. It is further alleged that Waquar Ahmad assaulted with sword to Furkat, Shamim @ Sonu and Umar Raza assaulted with iron rod to Parwej. Rayaz Ahmad snatched Nokia mobile of the informant.

It is submitted by the learned counsel for the petitioners that on the background of political rivalry the accusation has been levelled. Five persons received injuries from the informant's side and the injuries have been found to be simple. The case lodged by the petitioners' side is at the earlier point of time and seven persons received injuries from the petitioners' side though all the injuries have also been found to be simple. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent. Though there is specific accusation of assault against petitioner no.6, who alleged to have assaulted with iron rod on the hand of the informant but the injuries have been found to be simple in nature.

Considering the nature of accusation and the case lodged by the petitioners' side at the earlier point of time and the co-accused have been granted anticipatory bail by a co-ordinate

Bench of this Court vide Cr.Misc.No. 27454/2016, let the petitioners, abovenamed, in the event of their arrest or surrender before the court below within a period of twelve weeks from today, be released 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 Judicial Magistrate, 1st Class, Darbhanga in Kamtaul P.S.Case No. 61/2016, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

U			
---	--	--	--