

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47629 of 2015

Arising Out of PS.Case No. -136 Year- 2015 Thana -DAGARUA District- PURNIA

- =====
1. Md. Khurshid son of Late Tahir
 2. Md. Wahid son of Md. Khurshid Both R/o village - Rahmat Nagar
Belwa, Tappu, P.S. - Dagaruwa, District - Purnea.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Dr. Bidhu Ranjan, Advocate
For the Opposite Party : Mr. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 17-03-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Dagaruwa P.S. Case No. 136 of 2015 for the offences instituted under Sections 323, 341, 316, 307/34 and 504 of the Indian Penal Code.

As per prosecution case that on 27.06.2015 while the informant was constructing his house all the accused came and started abusing the informant and pushed the informant and when the informant tried to know the reason of obstruction, they started assaulting the informant by means of fist and slaps and when the wife of the informant came to save the informant and on the order given by Md. Khurshid, the accused persons also started and the informant's wife was pregnant of six months at the same time the

pregnancy abort with the help of villagers, he brought his wife
PHC Dagarua from where the doctor informed him that due to
assault the foetus died thereafter the informant's wife became
serious and her life is also in danger.

It has been submitted on behalf of the petitioners that the
petitioners have got no criminal antecedent. The alleged date of
occurrence is 27.06.2015 and the FIR was instituted on
01.07.2015. From perusal of the injury report of Annexure-A to
the supplementary affidavit, it is evident that the nature of injury is
simple and same do not support the allegations made in the FIR.

On behalf of the State, it has been submitted that the
petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let
the petitioners above named, be released on bail in the event of
their arrest or surrender before the learned court below within a
period of six weeks from today in connection with Dagarua P.S.
Case No. 136 of 2015 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 CJM, Purnea, subject to the conditions
as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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