

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54188 of 2017

Arising Out of PS.Case No. -29 Year- 2017 Thana -NIRMALI District- SUPAUL

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1. Md. Mophil Miyan @ md. Mophil, Son of Kanif Miyan,
 2. Md. Fulo Miyan, Son of Kanif Miyan,
 3. Md. Pharmud Miyan, Son of Md. Fulo Miyan, All are resident of Village- Bela Singar Moti, Tola Laukha, P.S.- Nirmali, District- Supaul.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 14-11-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nirmali P.S. Case no. 29 of 2017, registered under Sections 147, 148, 149, 341, 323, 354, 379, 307, 504 and 506 of the Indian Penal Code.

The accusation is that while the informant was digging soil for construction of tank of the toilet at that time, seven persons named in the FIR including the petitioner along with five unknown reached there having armed with lathi danda and country made pistol. At that time, on the order of Md. Alijan Mian all the persons started assaulting through fist and slaps. When Amina Khatoon and Md. Rijwan, wife and son of the informant rushed to save him then petitioner No.3 laid the wife of the informant and snatched her golden



ornament from her nose. At that time, Md. Esmile Mian caused injury at the head of Md. Rijwan through three nut.

Learned counsel for the petitioners submits that while petitioners are named in the F.I.R., but no specific overt act has been attributed against the petitioners. Further submission is that specific allegation is made against co-accused Md. Ismile, who made indiscriminate firing upon Md. Rijwan, son of the informant, but injury found on the person of Md. Rijwan is simple in nature, which would appear from the order dated 21.06.2017 passed in ABA No. 508 of 2017 by the Addl. Sessions Judge-I, Supaul.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 the SDJM Birpur, Supaul in connection with Nirmali P.S. Case No. 29 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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