

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45050 of 2016

Arising Out of PS.Case No. -193 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA

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1. Md. Rijwan, Son of Md. Subhan
2. Md. Jabbar, Son of Late Md. Ismaile
3. Md. Badri, Son of Md. Hasmul
4. Md. Jabir, Son of Late Md. Ismaile
All resident of village – Ganeshpur, Alam Nagar, P.S.- K. Nagar, District
Purnea.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Surendra Prasad Singh, Advocate
For the Opposite Party : Mr. Satyendra Narayan Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-01-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in K. Nagar
P.S. Case No. 193 of 2016 instituted for the offence under
Sections 147, 148, 149, 341, 323, 324, 379, 307 of the Indian
Penal Code and later on section 302 of Indian Penal Code has
been added.

It is alleged that on the date of occurrence, these
petitioners and other accused persons armed with deadly weapons,
arrived and started abusing the father of the informant, on account
of land dispute. It is further alleged that Subhan assaulted on the



head of the father of the informant by farsa, causing bleeding injury on his head. Thereafter Md. Jabbar assaulted with iron rod to the father of the informant, causing injury near his eye. When the informant went to save his father, Md. Rijwan assaulted him with the butt of khanti, causing swelling injury in his hand. It is further alleged that Jabir took out Rs. 2000/- from the pocket of the informant.

Case diary has been received, wherein the postmortem report is available. The doctor has found total four injuries on his person. Injury no.1 is on the left eye. There is specific allegation against Md. Subhan and Md. Jabbar, petitioner no.2 of assaulting the father of the informant, on account of which he sustained injury, which get support from the post mortem report. Therefore, I do not find it a fit case for anticipatory bail with regard to petitioner no.2. Accordingly, anticipatory bail petition of petitioner no.2 Md. Jabbar is hereby rejected.

The petitioner no.2 is directed to surrender before the court below within four weeks from today and seek regular bail which shall be considered and disposed of on merit without being prejudiced by this order.

So far as allegation against Md. Rijwan is concerned, he is alleged to have caused swelling injury in hand of



informant. There is no injury report of the informant in the case diary. Besides this, there is general allegation against Md. Jabir that he snatched money from the pocket of the informant. There is no specific allegation against petitioners no. 1, 3 and 4. In the circumstances, prayer of the petitioners no.1, 3 and 4 for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioners, namely, Md. Rijwan, Md. Badri and Md. Jabir, within six weeks from today in connection with K. Nagar P.S. Case No. 193 of 2016, they shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Purnea or his successor learned Judicial Magistrate, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Sanjay Priya, J.)

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