

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18185 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -KOTHIBARI District- KISANGANJ

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1. Tamizuddin, Son of Bhusara,
2. Tanjuma, Daughter of Tamizuddin, Both are resident of Village- Buraj
Tola, Laxmipur, Police Station- Kodhobari, District- Kishanganj.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Vijay Kumar, Advocate.

For the Opposite Party : Mr. Atul Chandra, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-05-2017 Heard both sides.

The petitioners apprehend their arrest in Kodhobari P.S.
Case No. 01 of 2017, registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code.

The informant alleged that Tamizuddin, petitioner no. 1
came and started demolishing thatched fencing of the informant.
When the informant asked them not to destroy the fencing Noor
Saba wife of petitioner no. 1, Tamizuddin petitioner no. 1 and
Tanjuma daughter of petitioner no. 1, came and began to assault
the informant. The informant further alleged that Noor Saba, the
wife of the informant, assaulted him with Lathi on his head. When
the wife of the informant came to save him the accused persons
also assaulted her.



Learned counsel for the petitioners submits that there is no specific allegation of assault against the petitioner no. 1 Tamizuddin and petitioner no. 2 Tanjuma, daughter of petitioner no. 1. Specific allegation of assault is against Noor Saba, the wife of petitioner no. 1 who is alleged to have assaulted the informant with Lathi on his head and the injuries are opined to be grievous in nature. The wife of the informant got simple injuries but, the informant did not allege that who assaulted her.

considering the facts aforesaid and the fact that no specific allegation of assault is made against the petitioners, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 learned Additional Chief Judicial Magistrate 3rd, Kishanganj in Kodhobari P.S. Case No. 01 of 2017, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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