

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7468 of 2017

Arising Out of PS.Case No. -199 Year- 2016 Thana -BAUSI District- PURNIA

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1. Md. Zubair Alam, Son of Anamul.
2. Md. Anamul, Son of Late Mubarak.
3. Md. Makbal @ Md. Makbool, Son of Anamul.
4. Md. Majrul @ Majrul, Son of Anamul.
5. Md. Kuddus, Son of Late Kamil.
6. Ansarul, son of Muslim, All are resident of Village- Bharwo Police Station- Baisi, District- Purnea.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Helal Ahmad, Advocate.

For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 03-03-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Baisi P.S. Case No. 199 of 2016 for the offences instituted under Sections 341, 323, 324, 307 and 379/34 of the IPC.

The prosecution story, in brief, is that the informant has a pond since the time of his grand-father on which litigation is going on. On 13.11.2016 accused Md. Zubair put net in the pond for fishing to which informant protested whereupon accused Anmul



assaulted the informant with spade on his head with intention to kill him causing bleeding injury. When uncle of informant, namely, Zahiruddin and brother Amanat came to save him to whom accused Md. Makbool, Majrul, Md. Kuddus, Ansarul, in conspiracy to each other, assaulted them with lathi-danda. In course of assault, accused Masrul took out Rs. 3,000/- from pocket of informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. The allegation made in the FIR is denied by the petitioners. The informant has filed a petition in the court below stating that the present case has been instituted due to mistake of fact. The said fact is evident from Annexure-4 to the present application.

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 Baisi P.S. Case No. 199/2016 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 C.J.M., Purnea, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

