

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13274 of 2017

Arising Out of PS.Case No. -203 Year- 2016 Thana -KRITYANAND NAGAR District- PURNIA
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1. Md. Samsul Haq @samsul
2. Md. Gaisul
3. Md. Tanveer Alam @ Tanveer
4. Md. Raja
5. Md. Munna @ Md. Munna
6. Md. Fakruddin
7. Md. Saffo @ Saffiruddin @ Safique Alam
8. Md. Noor Alam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Kumari Ritambhara

For the Opposite Party/s : Mr. Sri Ramesh Chandra
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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

- 3 04-04-2017 Heard learned counsel for the petitioners and the State.
- The petitioners apprehend their arrest in K. Nagar P.S.
- Case No. 203 of 2016 instituted for the offence under Sections-
379, 427, 436 & other minor sections of the Indian Penal Code.
- It is alleged that on the date of occurrence on account
of leakage of toilet water of septic tank of accused Shamsul, hot
discussion took place between the parties and on account of that
on 19-06-2016 at 8.30 a.m., Md. Samsul entered the house of Jakir
and started damaging the articles inside the house. The other
accused also came in the house of Jakir armed with Lathi-Danda,
iron rods. Md. Samsul abused the informant, Tanveer (petitioner



No. 3) assaulted with iron rod to Md. Jakir who fell down after sustaining head injury and injury on eye. It is further alleged that Md. Azad took out Rs. 2600/- from the pocket of Md. Jakir. Thereafter, Md. Shabbir came to rescue but he was also assaulted with Dabiya by Md. Munna on head. The wife of Jakir went to save them, these accused persons assaulted her by fist and slaps and torn her clothes. All the accused persons entered the house of Jakir and damaged the household goods. Md. Rustam gave match box to Md. Noor Alam and asked him to lit the house on fire. When the informant went to extinguish the fire, he was beaten by fist and slaps. It is further alleged that when Tabrej son of the informant was taking Jakir to the hospital for treatment, Md. Munna and Md. Raja threatened him not to file case.

The case diary has been received.

The injury report of Md. Jakir and Md. Sabir are available.

Learned APP has pointed out that Md. Jakir sustained grievous injury on the right eye and forehead. The doctor opined the injury to be grievous in nature. Md. Sabir was advised to C.T. scan of both injuries vide para-30 of the case diary. Learned APP has further submitted that place of occurrence is mentioned at paragraph-5 of the C.D. wherein no sign of burn was found by the



investigating agency. In this manner, there is specific allegation against Md. Tanveer Alam (petitioner No. 3) of assaulting Md. Jakir with iron rod causing injury on head and thigh, which is found grievous in nature by the doctor vide paragraph-30 of the case diary.

In such circumstances, this court does not think it proper to grant anticipatory bail to the petitioner No. 3 namely, Md. Tanveer Alam and accordingly, his prayer for anticipatory bail is rejected.

So far as rest petitioners are concerned; there is general and omnibus allegation against all the petitioners and injuries caused by them were found simple and hence, prayer for anticipatory bail of petitioner Nos. 1, 2, 4, 5, 6, 7 & 8 is concerned; the same is allowed. it is ordered that the petitioner Nos. 1, 2, 4, 5, 6, 7, & 8 named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with K. Nagar P.S. Case No. 203 of 2016 to the satisfaction of learned Sub Divisional Judicial Magistrate, Purnea subject to conditions as laid down u/S 438(2) of the Cr.p.C. with further conditions (1) bailors



should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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