

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10830 of 2017

Arising Out of PS.Case No. -116 Year- 2016 Thana -KASBA District- PURNIA

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1. Sheikh Ilahi Son of late-Muni Bux
2. Md. Isharul @ Md. Ifarul @ Md. Ijharul Son of Sheikh ILahi
3. Md. Massabir Son of Sheikh Ilahi, resident of Village-Sanjhaili, P.S.-
Kasba, District-Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 06-07-2017 Heard both sides.

The petitioners apprehend their arrest in Kasba P.S.
case No. 116 of 2016 under Section 307 and other Sections of the
Indian Penal Code.

Md. Sarvar alleged that while he was returning to his
house, petitioners and others assaulted him with Lathi and iron
rod. Md. Tanveer assaulted him with iron rod on his head.

Dr. Amrendra Kumar, the learned counsel for the
petitioners, submits that one Farida Khatoon, wife of petitioner
No.2, lodged Kasba P.S. case No. 117 of 2016 under Section 376
and other Sections of the IPC. She alleged that Md. Sarvar, the
informant, forcibly committed rape with her and while he was



fleeing away he fell down. The present case is counter version of the case lodged by wife of petitioner No.2 but from perusal of the injury report, it appears that Md. Sarvar got as many as six injuries on different parts of his body. Wife of petitioner No.2 stated in her fard bayan that Md. Sarvar got only one injury on his head. It appears that allegation against the petitioners is that they assaulted Md. Sarvar and Md. Sarvar also got grievous injuries on account of fracture of bone.

Considering the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, i.e., the learned Chief Judicial Magistrate, Purnea in Kasba P.S. case No. 116 of 2016, the learned court below shall consider the prayer for regular bail of the petitioners on its own merit without being prejudiced from the order of this court and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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