

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.21877 of 2017**

Arising Out of PS.Case No. -75 Year- 2014 Thana -KEOTI District- DARBHANGA

- =====
1. Md. Rozi, Son of Md. Murtuza,
  2. Md. Rumi @ Md Roomi, Son of Md. Murtuza,
  3. Md. Murtuza, Son of Late Mofid, All Resident of Village- Saikhpura  
Dani, P.S.- Keoti, Distt- Darbhanga.

.... .... Petitioner/s

Versus

The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Jawed Gaffar Khan

For the Opposite Party/s : Mr. Md. Sufiyan

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL ORDER**

02/ 02-08-2017

Heard learned counsels for the petitioners

and the State.

The petitioners have renewed the prayer for anticipatory bail in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307 and 504/34 of the Indian Penal Code.

The prosecution case got initiated with submission of written report by Raushan Ara, the informant, to the Officer-in-charge of Keoti P.S., resulting into registration of Keoti P.S. Case No. 75 of 2014 on 07.07.2014, alleging therein that on



29.06.2014 at 7.00 P.M. while the informant was preparing food in her courtyard, all the accused persons entered, being armed with knife and danda, when petitioner no. 2 Md. Rumi assaulted Md. Wasim with knife, whereas petitioner no. 3 Md. Murtuza assaulted Md. Wasim with danda who received fracture injury on his shoulder and petitioner no. 1 Md. Rozi strangled the informant, resulting into oozing out of blood from the nose of the informant. Thereafter, all the accused persons assaulted the informant causing injury on leg, the hands, shoulder and chest. Since the informant and her son Md. Wasim received injuries she went to Keoti Hospital for treatment, but due to unavailability of the doctor, the informant and her son were treated by a private doctor from 29.06.2014 to 03.07.2014.

The petitioners earlier moved this Court with a prayer for anticipatory bail vide Cr. Misc. No. 26126 of 2015, which was disposed of vide order dated 22.07.2015, as contained in Annexure-3, by observing that it is a case for consideration of regular bail, if the petitioners surrender within a period of six weeks, where, the delayed lodging of the FIR, as well as the submission of final form under the bailable provisions be taken into consideration. Thereafter, the petitioners preferred Cr. Misc. No. 37333 of 2015 for modification of the initial order dated



22.07.2015 passed in Cr. Misc. No. 26126 of 2015. The same was disposed of by this Court vide order dated 26.08.2015, as contained in Annexure-4. Thereafter, the petitioners again preferred anticipatory bail before the learned Sessions Judge vide A.B.P. No. 53 of 2017. The same was disposed of vide order dated 13.02.2017, since this Court vide order dated 22.07.2015 passed in Cr. Misc. No. 26126 of 2015, had observed that it is a case for consideration of regular bail.

It is submitted by learned Senior Counsel for the petitioners that the accusation has been levelled due to the family dispute. The initial occurrence was dated 28.06.2014, though, the written report was submitted on 29.06.2014, but the FIR was registered on 07.07.2014, which clouds the prosecution version. Moreover, the nature of injury caused does not suggest that the petitioners had any intention to cause death of the informant. The police, after investigation, submitted final form under bailable provisions, but differing with the same, the cognizance was taken under Section 307 of the IPC. Except one other injuries have been found simple in nature. Petitioner no. 1 Md. Rozi is a student of Engineering and at the relevant time he was at Delhi, petitioner no. 2 Md. Rumi is a final year student of Dental College, Darbhanga and petitioner no. 3 Md. Murtuza is 69



years of age and petitioner no. 3 has filed Complaint Case No. 1001 of 2014 in the court of learned CJM, Darbhanga levelling accusation against the informant side. The order of learned Sessions Judge dated 13.02.2017, passed in A.B.P. No. 53 of 2017, reflects that the learned Sessions Judge has also doubted the fair manner of investigation. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the petitioners' earlier anticipatory bail application was disposed of by this Court followed with the order of modification, this Court is not inclined to revise the earlier order. However, keeping in view the delayed lodging of the FIR, as well as the fact that the investigating agency did not find case under Section 307 IPC on conclusion of investigation and the fact that out of three petitioners, two are students of Dental College and Engineering College, this Court reiterates that it is a case for consideration of prayer for regular bail, if the petitioners surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order in connection with Keoti P.S. Case No. 75 of 2014, pending in the court of learned Chief Judicial Magistrate, Darbhanga. It is expected from the learned court below to dispose



of the bail application preferably on the same day.

With the above observation, this application  
is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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