

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41689 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -BAUNSI District- ARRARIA

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1. Md. Ekramuddin, Son of Late Serajuddin,

2. Md. Imran, Son of Md. Ekramuddin,

3. Md. Taha, Son of Md. Irsad,

All are resident of Village- Bousi, Ward No. 13, P.S.- Bousi, Dist.- Araria.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioners, learned
counsel for the State and learned counsel for the informant.

The petitioners seek pre-arrest bail in connection
with Bousi P.S. Case No. 71 of 2017 registered under Sections
147, 149, 341, 323, 325, 307 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that there is no specific allegation of assault as far as
petitioner no.1 Md. Ekramuddin and Petitioner no.3 Md. Taha
are concerned. He has submitted that a counter case vide Bousi



P.S. Case No. 70 of 2017 has been instituted against the informant and other members of the prosecution party under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code on 10th of June, 2017 itself and, in retaliation to that, the instant case was instituted with false allegations. He has submitted that though there is allegation that Petitioner no.2 Md. Imran assaulted with *Bhala* on the wife of the informant but the injury report would disclose that she had sustained only simple injury and that too caused by hard and blunt substance.

On the other hand, learned counsel for the State opposing the application for grant of pre-arrest bail to the petitioners has submitted that though there is no specific allegation of assault upon the petitioners Md. Ekramuddin and Md. Taha, there is general allegation that all the accused persons including the petitioners assaulted the informant and his other family members. He has submitted that both the cases are under investigation and, at this stage, it cannot be said that which version is true.

Learned counsel for the informant vehemently opposed the prayer of the petitioners for grant of pre-arrest bail in the present case. He has submitted that petitioner no.2 Md.



Imran is alleged to have assaulted with *Bhala* on the person of the wife of the informant and the medical report of the informant would corroborate the fact that she had sustained injuries on her person. On query, he conceded that the injury found on the person of the informant's wife was ½'' x ½'' on left palm and the doctor had opined the same to be simple in nature caused by hard and blunt substance.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners, named above, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Araria in connection with Bousi P.S. Case No. 71 of 2017 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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