

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1377 of 2017**

Arising Out of PS.Case No. -94 Year- 2016 Thana -BHAWANIPUR District- PURNIA

- =====
1. Md. Firajul @ Md. Firojul, Son of Late Luddi,
  2. Md. Ehtasham @ Md. Ehtasamul Haque, Son of Usman.
  3. Md. Aslam, Son of Usman.
  4. Md. Nazim @ Md Nazim Reja, Son of Usman.
  5. Md. Haswir @ Md. Hasbir, Son of Usman.
  6. Md. Usman, Son of Late Yakub.
  7. Md. Sikandar, Son of Md Idrish.
  8. Md. Reyaz @ Md. Reyaj Uddin, son of Late Luddi.
  9. Md Sahabuddin, Son of Md. Sajir, Resident of Village- Chappan, P.S. Bhawanipur, District- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Nadimul Hasan  
For the Opposite Party/s : Mr. Sri Humayou Ahmad Khan

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**CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA**  
**ORAL ORDER**

3      15-02-2017                      Heard learned Counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bhawanipur Police Station Case No. 94 of 2016, disclosing offences under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

Basic accusation is of assault with lathi.

Learned Counsel for the petitioners has submitted that there is general and omnibus allegation against these petitioners. These petitioners have falsely been implicated in this case due to



political rivalry as they being the co-villagers. The entire prosecution story relates to a case and counter case. Admittedly, both the parties have sustained injuries in both the cases but the injury report, in this case, clearly indicates the nature of injury as simple and caused by hard and blunt substance. Hence, the petitioners deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner Nos. 3 to 9, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1<sup>st</sup>, Class, Purnea in connection with Bhawanipur Police Station Case No. 94 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner Nos. 1 and 2, namely, Md. Firajul @ Firojul and Md. Ehtasham @ Md. Ehtasamul Haque, respectively, is concerned, having regard to the specific allegation of assault against them, which is evident from the F.I.R. itself, this Court is not inclined to grant the privilege of anticipatory bail to these petitioners. Accordingly, the prayer for anticipatory bail of these petitioners, is, hereby, rejected.

**(Arvind Srivastava, J)**

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