

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.61514 of 2017

Arising Out of PS.Case No. -222 Year- 2017 Thana -LALGANJ District- VAISHALI(HAJIPUR)

- =====
1. Ali Hasan
 2. Subhan @ Md. Subhan
 3. Guddu, All sons of Late Md. Ainul Haque @ Ailun, Resident of Village – Chaksala, Police Station – Lalganj, District – Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zeyaul Hoda

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case, as per the fard-beyan of the informant Zaki Ahmad, is to the effect that his neighbour Ali Hasan, petitioner no. 1, used to put cow dung on the approach road of the informant. On 01.09.2017 at 6.00 A.M. on the eve of Eid-uz-Zoha the informant was cleaning the way and putting the cow dung on the flanks of the road, in the meantime, the accused persons came, petitioner no. 2 Subhan assaulted with Farsa on the head of the informant, who sustained cut injury and



others assaulted with fists and slaps. Petitioner no. 3 Guddu assaulted rod on the wrist of right hand of the informant and when the informant's brother came to rescue, he was assaulted by petitioner no. 1 Ali Hasan with Farsa on the head. Thereafter, petitioner no. 3 Guddu assaulted with lathi on the left shoulder and back of the brother of the informant and snatched gold chain.

It is submitted by learned counsel for the petitioners that for petty dispute the accusation has been levelled. The injuries of informant side have been found to be simple, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That it is relevant to mention here that informant and others have received simple injuries in the scuffle between the parties which is apparent from perusal of the injury reports.”

It is further submitted by learned counsel for the petitioners that there is counter version of the occurrence being Lalganj P.S. Case No. 226 of 2017 registered with accusation under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code, as contained in Annexure-2, and petitioners' side are still being treated at Patna due to the injuries received at the hands of the informant side.



One more case has been lodged by the mother of the informant against the petitioners.

Considering the accusation in the background of petty dispute between the parties and the statement made in paragraph 9 of the petition that the informant side have received simple injury, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 222 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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