

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43441 of 2017

Arising Out of PS.Case No. -263 Year- 2017 Thana -HARISIDHI District-
EASTCHAMPARAN(MOTIHARI)

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1. RUSTAM MIYAN @ MD. RUSTAM, Son of Late Wakil Miyan.
2. Rumali Khatoon @ Shahida Nesha, W/o Late Wakil Miya,
3. Ema Khatoon @ Ayema, W/o Shafique Miyan.
4. Aslam Miyan @ Md. Aslam, Son of Late Wakil Miyan.
5. Anash Alam @ Md. Anash, Son of Aslam Alam, All are resident of Village- Ramnagar, P.S. Harisidhi, Dist- East Champaran.
6. Naushad Alam @ Md. Naushad, Son of Taslim Miyan, Resident of Village- Godhna, P.S.- Masrak, Dist.- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Yogendra Kr. Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 21-12-2017 Heard both sides.

The petitioners apprehend their arrest in Harisidhi P.S.
Case No.263 of 2017 registered under Sections 307 and other
Sections of the Indian Penal Code.

The informant, Ish Mohammad Mian alleged that he
got information that the accused persons were constructed the
house over the land of the informant. The informant informed the
police and when he came to his house, he saw that all the accused
persons having armed with different weapons came there. On the
order of Anash Alam, petitioner No.5, Rustam Miyan, petitioner



No.1 is alleged to have assaulted Zakir Miyan, the son of the informant with farsa on his head. Ema Khatoon, petitioner No.3 assaulted Nurnesh Khatoon, the wife of the informant by lathi on her head. Aslam Miyan snatched chain of gold from her neck.

The learned counsel for the petitioners submits that Zakir Miyan got simple injury on his head. Wife of the informant also got simple injury. There is counter-version being Harisidhi P.S. Case No.268 of 2017. Ish Mian got fracture injury on his head but the informant did not make any information who assaulted him causing fracture injury on his head in the F.I.R.

Considering the facts that there is specific allegation against Rustam Miyan, petitioner No.1 who is alleged to have assaulted Zakir Miyan with farsa on his head and corresponding injuries are also found on the person of Zakir Miyan, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, his bail petition is rejected.

So far as case of petitioner Nos.2, 3, 4, 5 and 6 are concerned, there is omnibus and general allegation. Petitioner No.2, Rumali Khatoon and petitioner No.3, Ema Khatoon are ladies and there is counter version.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioner Nos.2 to 6



namely, Rumali Khatoon, Ema Khatoon, Aslam Miyan, Anash Alam and Naushad Alam, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged 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 Chief Judicial Magistrate, Motihari, East Champaran in connection with Harisidhi P.S. Case No.263 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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