

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46881 of 2016

Arising Out of PS.Case No. -202 Year- 2016 Thana -WAJIRGANJ District- GAYA

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1. Md. Firoz Mian
2. Md. Sajid Mian
3. Md. Jahid Mian All Sons of Tahir Mian, Resident of Village- Jamuanwa,
P.S.- Wazirganj, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Binod Kumar Mishra, Advocate.

For the Opposite Party : Mr. Md. Ansarul Haque, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-01-2017 Heard both sides.

The petitioners apprehend their arrest in Wazirganj P.S.
Case No. 202 of 2016, registered for the offences punishable under
Section 308 and other Sections of the Indian Penal Code.

The informant made omnibus and general allegation that
Md. Firoz Mian, Md. Sajid Mian and Md. Jahid Mian assaulted him
with iron rod on his head. Md. Firoz Mian is alleged to have assaulted
the informant with knife on his head.

Learned counsel for the petitioners submits that only three
injuries are found on the head of the informant and all the injuries are
incised wound. No specific allegation of assault is made against Md.
Sajid Mian and Md. Jahid Mian the petitioner no. 2 and 3. There is a
counter case bearing Wazirganj P.S. Case No. 203 of 2016 and from the
side of the petitioners also the petitioners and others got injuries.



Considering the facts aforesaid and the fact that there is specific allegation against Md. Firoz Mian that he assaulted the informant with knife on his head and three incised wounds are found and the opinion of which is kept reserved, I am not inclined to enlarge the petitioner no. 1 Md. Firoz Mian on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 2 and 3 Md. Sajid Mian and Md. Jahid Mian are concerned omnibus allegation of assault is made against them but no injury is said to have been caused by hard and blunt object, the petitioner no. 2 and 3 Md. Sajid Mian and Md. Jahid Mian, in the event of their arrest or surrender before the 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) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Gaya in Wazirganj P.S. Case No. 202 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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