

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11187 of 2017

Arising Out of PS.Case No. -14 Year- 2016 Thana -MARAUNA District- SUPAUL

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1. Md. Masum, S/o Rafique @ Bhutta,
2. Md. Jakir, S/o Rafique @ Bhutta, Both are resident of Village-
Sarojabella, P.S.- Marouna, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-05-2017 Heard both sides.

The petitioners apprehend their arrest in Marouna P.S. Case No. 14/2016, registered for the offences punishable under Section 307, 354A and other sections of the Indian Penal Code.

The informant Md. Faiyaz alleged that on 09.02.2016 while he was going to offer Namaz, Md. Masum came and abused him when the informant asked him not to abuse, he called his relatives and on the order of Md. Masum petitioner no. 1, Md. Jakir petitioner no. 2 assaulted the informant which hit on his left hand. Rahman and Md. Sakir are said to have assaulted the wife of the informant.



Learned counsel for the petitioners submits that the informant Md. Faiyaz got 02 injuries, but both the injuries are simple in nature. The wife of the informant also got simple injuries. On account of land dispute there is case and counter case and mutual assault took place between the two sides. It is further submitted that from perusal of para 28 of the case diary it appears that the Investigating Officer wrote the injury of 06 persons, but from perusal of the F.I.R. it would appear that only 02 persons the informant and his wife were assaulted by the accused persons.

Learned A.P.P. could not be able to explain that how the Investigating Officer incorporated injury reports of 06 persons, although, the injury report are not annexed and from perusal of the case diary it appears that the injury report written by the Investigating Officer is not legible.

Considering the facts aforesaid and the fact that there is case and counter case and the informant and his wife got simple injuries, the petitioners above-named, 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) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Supaul in



connection with Marouna P.S. Case No. 14/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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