

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61525 of 2017

Arising Out of PS.Case No. -386 Year- 2014 Thana -PURNEA SADAR District- PURNIA

- =====
1. Md. Salim @ Salim, Son of Umed Ali
 2. Md. Rafi @ Rafik, Son of Umed Ali
 3. Md. Qurban Ali @ Md. Qurwan, Son of Umed Ali
 4. Md. Naushad @ Noushad, Son of Md. Salim
 5. Md. Shamshed @ Shamshad, Son of Md. Salim
 6. Md. Soeb @ Shub, Son of Qurban Ali
 7. Md. Jubed @ Md. Juber, Son of Md. Rafi
- All resident of village – Pokharia, P.S. Muffasil (Sadar), District –
Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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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 147, 148, 149, 307 and 324 of the Indian Penal Code.

The prosecution case is that on 06.07.2014 at 2.00 P.M. when the informant Md. Imamuddin was returning after inspecting his field then the accused persons being variously armed, surrounded him and they started assaulting the informant. On alarm being raised the nearby people came, in the meantime, co-accused Bibi Sairun assaulted with Dabia on the



head of the informant, the informant sustained head injury, co-accused Zahiruddin (non-petitioner) also assaulted the informant with Dabia, thereafter the informant was brought to hospital.

It is submitted by learned counsel for the petitioners that the accusation of assault against the petitioners is omnibus and general. The specific accusation of assault is against Bibi Sairun and Zahiruddin and only one injury of the informant has been found to be grievous. There is counter version of the occurrence being Sadar P.S. Case No. 387 of 2014.

Learned counsel for the informant submits that though there is specific accusation of assault against two persons but there is general accusation of assault against the petitioners also and informant has received multiple injuries.

Considering the fact that only one injury of the informant has been found to be grievous and there is specific accusation of assault against Bibi Sairun and Zahiruddin (non-petitioners) coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, 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, Purnea in connection with Purnea Sadar (Muffasil) P.S. Case No. 386 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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