IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7011 of 2017

Arising Out of PS.Case No. -12 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Md. Jamil, S/o Late Md. Rajjo Mian
2. Md. Safruddin, S/o Late Md. Rajjo MIan.
3. Md. Israfil, S/o Late Md. Rajjo Mian
4. Md. Jafir, S/o Md. Israfil
5. Md. Khushnasib, S/o Md. Israfil
6. Md. Azhar, S/o Md. Salauddin
7. Md. Majhar @ Md. Majhar Alam, S/o Safruddin.
8. Md. Manowar, S/o Md. Safruddin, All Resident of Mohalla-Santnagar Ward No.-15, Saharsa, P.S.-Saharsa, District-Saharsa.

.... Petitioners

Versus

The State of Bihar .... Opposite Party

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Appearance :
For the Petitioners : Mr. Bhakar Shankar, Advocate
Mr. Mithilesh Kuamr Singh, Advocate
Mr. Saket Kuamr Singh, Advocate
For the Opposite Party : Mr. Sanjay Kumar (APP-127)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 27-02-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Saharsa P.S. Case No. 12 of 2016, registered for the offences punishable under Sections 307, 379, 341, 323, 504, 506, 147, 148, 149 of the Indian Penal Code.

Allegedly, the petitioner no.1 gave order to assault and to take away all the articles of the house and then the petitioner no.1 assaulted the father of the informant on his head with farsa, resulting, he fell down and bleeding started and when Jubrail came for rescue he was assaulted by Safaruddin (petitioner no.2) on his head, Bibi Naiful was assaulted by Md. Azhar

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(petitioner no.6) by iron rod on her leg and further the accused persons took away cash of rupees two lacs and ornaments from the box.

Submission is of false implication and that there is case and counter case, no injury has been found caused by sharp cutting weapon. All the injuries on the person of the injured are caused by hard and blunt substance and this goes to show that petitioners had no intention to cause murder and hence no offence under section 307 of the I.P.C. is made out and Section 379 of the I.P.C. is super addition and ornamental and, as such, the petitioners deserve sympathetic consideration.

In the facts and circumstances as stated above, considering the injury reports and further that there is case and counter case, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail 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, Saharsa, in connection with Saharsa P.S. Case No. 12 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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