

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17386 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -JOKIHAT District- ARRARIA

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1. Ramjani
2. Samdani
3. Thanku all sons of Md. Arif All are residents of village - Ghormara, P.S.
- Mahalgaon, District - Araria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 05-07-2017 Heard both sides.

The petitioners apprehend their arrest in Jokihat (Mahalgaon) P.S. Case No. 221/2016, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code. After death of Md. Salim section 302 of the Indian Penal Code was added.

The informant named thirteen persons in the F.I.R. and alleged that while his grand-son Afsar and mother of Afsar were grazing cattle Md. Akhlaque and others picked up quarrel and all the accused persons started assaulting them. Md. Hasibur Rahman is said to have assaulted Md. Salim with sword on his head and Abdul Barik assaulted with Farsa on the head of Abdul



Rahim.

Learned counsel for the petitioners submits that petitioners are own brothers and they are not the assailant of the deceased Md. Salim. The informant made specific allegation that Md. Hasibur Rahman assaulted Salim with sword on his head. Md. Hasibur Rahman has already been granted regular bail on the ground that there are two versions of the occurrence. The wife of the deceased made omnibus and general allegation that all the accused persons assaulted Md. Salim.

Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that Md. Salim got as many as eight injuries all over his body. Wife of the deceased alleged that all the accused persons were indiscriminately assaulted Md. Salim with different weapons. From the post-mortem report it appears that Md. Salim got fracture injury on parietal, frontal area and temporal bone. The head of the deceased was smashed besides other injuries.

Considering the facts aforesaid and the fact that petitioners are alleged to have assaulted the deceased although there is no specific allegation of assault against the petitioners, I am not inclined to enlarge the petitioners above-named on



anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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