

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36802 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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1. Md. Hasan Son of Wahab Ali, R/o Village- Bomabasti, P.S.- Kishanganj,
District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.36815 of 2017

Arising Out of PS.Case No. -8 Year- 2017 Thana -KISHANGANJ District- KISANGANJ

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Sirazul Haque Son of Wahab Ali, R/o Village- Bomabasti, P.S.-
Kishanganj, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.36802 of 2017)

For the Petitioner/s : Mr. Sushmita Mishra

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

(In Cr.Misc. No.36815 of 2017)

For the Petitioner/s : Mr. Sushmita Mishra

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 10-08-2017 Both petitions arise out of Kishanganj P.S. Case No. 8 of

2017 registered under Sections-341, 323, 302, 120(B)/34 of the Indian

Penal Code, in which, petitioners apprehend their arrest and

accordingly, both petitions are being heard and disposed off by this

common order.

Heard learned counsel for the petitioners and the State.



It has been submitted that there is case and counter case between the parties. Md. Hasan (petitioner in Cr. Misc. No. 36802 of 2017) and his father also sustained injury in counter case i.e. Kishanganj P.S. Case No. 12 of 2017.

Counsel for opposite party No. 2 has appeared and he has submitted that he has filed FIR on 05-01-2017 on the basis of which, the instant case has been registered and, thereafter, FIR was filed by nephew of the petitioner (in Cr. Misc. No. 36802 of 2017) namely, Md. Nizamuddin vide Kishanganj P.S. Case No. 12 of 2017. It has further been submitted by opposite party No. 2 that both cases are case and counter case and the occurrence of the instance case is of 04-01-2017 and the another case has been filed after delay of three days mentioning the date of occurrence of 04-01-2017.

In the written report, it is alleged that the accused Enamul Haque and Quazimuddin caught hold of father of the informant and Md. Hassan (petitioner in Cr. Misc. No. 36802 of 2017) assaulted the father of informant by means of Sakhua wood on his head on account of which, he became seriously injured and later on, he succumbed to the injuries.

Copy of the postmortem report has been produced by opposite party No. 2 during hearing of the bail petition wherein the doctor has found injury on the person of the deceased as lacerated wound 3"x1/4" bone deep on left parietal region of skull and on dissection, fracture and blood clot was also found. The weapon used in



the opinion of doctor, was hard and blunt substance.

The postmortem report fully supports the allegation levelled in first information report.

As such, there is specific allegation of overt act against both these petitioners.

Therefore, this court is not inclined to grant anticipatory bail to the petitioners and accordingly, prayer for anticipatory bail is rejected.

The petitioners are directed to surrender in the court below within four weeks from today and seek regular bail which will be considered by the court below and disposed off on the same day in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

A.K.V./-

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