

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51856 of 2017

Arising Out of PS.Case No. -519 Year- 2017 Thana -FORBESGANJ District- ARRARIA

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1. Md. Israfil @ Israfil, S/o Late Ismail Mian @ Ismail.
2. Md. Mumtaz @ Mumtaz.
3. Md. Haidar @ Haidar.
4. Md. Iltabh @ Iltab.

All Sons of Md. Israfil.
All R/o Village- Syera Nagar, Ward No.08, P.S.- Forbesganj, District-
Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 07-11-2017 Let the supplementary affidavit filed on behalf of the
petitioners be kept on the record.

Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Forbesganj P.S. Case No.519 of 2017/G.R. No.2369 of 2017
registered under Sections 341, 323, 307, 379, 504 and 506/34 of
the Indian Penal Code.

The accusation is that due to draining out of the dirty
water of the hand-pump in the orchard of the informant by the



petitioner no.1 Md. Israfil, when the informant made protest then the petitioner no.1 Md. Israfil started to abuse. In the meantime, the petitioner nos.2, 3 and 4 and one Md. Anwar came and started to cause assault to the informant through lathi, danda and iron rod. When Md. Mubarak, the nephew of the informant, rushed to save the informant, he was assaulted by them. At that time, the petitioner no.3 caused injury at the head of Md. Mubarak through Farsa.

Learned counsel appearing on behalf of the petitioners submits that that the occurrence took place in between the parties due to draining out of the dirty water of the Handpump in the orchard of the informant. Further submission is that at the time of disposal of the anticipatory bail application of the petitioners, while the case diary was called for, but the injury report of the informant and his nephew was not available on the record and both filed an affidavit regarding sustaining simple injuries on their persons, which would appear from the order dated 07.08.2017 passed in A.B.P. No.957 of 2017 by the court of the 1st Additional Sessions Judge, Araria, rejecting the prayer of the petitioners for grant of anticipatory bail. Now, the informant has also filed a compromise petition in the court below.

Having considered the facts and the circumstances of the



case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No.519 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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