

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.624 of 2017**

Arising Out of PS.Case No. -455 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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1. Md. Minhazuddin, S/o Haji Aainul Haque,  
2. Md. Farid, S/o Md. Mustafa @ Mastan,  
3. Md. Asfaque, S/o Md. Mustafa @ Mastan, All resident of Village-  
Rampur South, Ward No. 08, P.S.- Forbesganj, District- Araria.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party : Smt. Meena Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      11-01-2017                      Heard learned counsel for the petitioners and learned  
counsel for the State.

The petitioners are apprehending their arrest in connection with Forbesganj P.S. Case No. 455 of 2016 for the offences instituted under Sections 341, 323, 325, 307, 379, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that in the night of 27.08.2016 at about 11.00 P.M. while the informant was returning his home, all these accused persons came there and surrounded the informant and accused Minhazuddin ordered the other accused persons to kill the informant. On being so ordered, the accused Md. Asfaque and Md. Farid started assaulting the informant with



Lathi and Iron rod with intent to kill the informant. Accused Minhazuddin assaulted the informant with a brick on his head and blood started oozing out and after falling, the informant became unconscious. The accused Minhazuddin took away a wrist watch from the informant and also a mobile phone and cash of Rs. 1500/- On alarm raised by the cousin brother of the informant, Md. Jamshed and Shamim, the villagers reached there and brought the informant in hospital.

It has been submitted on behalf of the petitioners that the petitioner nos. 2 and 3 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. It is a case and counter case between the parties. The dispute has taken place due to a petty reason.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. and as far as petitioner no. 1 is concerned, there are six other criminal cases pending against him.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 and 3 above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Forbesganj P.S. Case No. 455/2016 on furnishing bail bond of Rs.



10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

As far as petitioner no. 1 is concerned, I am not inclined to grant anticipatory bail to him. The same is rejected. If he surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court.

U.K./-

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**(Sudhir Singh, J)**

