

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25048 of 2017

Arising Out of PS.Case No. -31 Year- 2017 Thana -ARIYARI District- SEKHPURA

- =====
1. Md. Naushad alias Naushad Sah, son of Sadique Shah.
 2. Md.Mokhtar Shah alias Md. Moktar, son of Sadique Shah.
Both resident of village-Ariyari, Police Station-Ariyari, District-Sheikhpura.

.... 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 20-07-2017 At the very outset, learned counsel for the petitioners submits that the petitioner no.1, namely, Md. Naushad alias Naushad Sah, has already been arrested in the case and seeks permission to withdraw this application in his respect.

Permission is accorded.

This application in respect of the petitioner no.1, namely, Md. Naushad alias Naushad Sah, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.2, namely, Md. Mokhtar Shah alias Md. Moktar, for grant of anticipatory bail is being considered.

Heard.

The petitioner no.2, namely, Md. Mokhtar Shah alias Md.



Moktar, apprehends his arrest in connection with Ariyari P.S. Case No.31 of 2017 registered under Sections 341, 307, 323, 379, 448 and 504/34 of the Indian Penal Code.

The accusation is that due to family dispute, the quarrel started in between the brothers and, thereafter, both the petitioners came with lathi and rod and caused injury at the head of Khateeza Khatoon, the wife of the informant. At that time, Md. Shabir caused injury at the head and body of Shamshad, the son of the informant, through rod. In that course, Anwari Khatoon, the sister-in-law of Shabir and wife of the petitioner no.1 Md. Naushad alias Naushad Sah, took cash Rs.2000/- from the pocket of Shamshad, the son of the informant.

Learned counsel appearing on behalf of petitioner no.2, namely, Md. Mokhtar Shah alias Md. Moktar, submits that while the specific allegation against him is to cause injury at the head of Khateeza Khatoon, the wife of the informant, through lathi and rod but out of the three injuries, as found on her person, the injury nos.1 and 2 are simple in nature caused by hard and blunt substance whereas injury no.3, which is lacerated wound on the back of elbow, caused by hard and blunt substance, is grievous in nature. The petitioner no.2, namely, Md. Mokhtar Shah alias Md. Mokhtar, has no criminal antecedent.



Having considered the facts and the circumstances of the case, let the petitioner no.2, namely, Md. Mokhtar Shah alias Md. Mokhtar, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sheikhpura, in connection with Ariyari P.S. Case No.31 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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