

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48011 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -KISHUNPUR District- SUPAUL

- =====
1. Md. Rustam, Son of Md. Jameel,
 2. Md. Rayazuddin @ Heera Son of Md. Salauddin, Both are R/o Village-
Kadampura-Bhokhrahi, P.S.- Kishanpur and District- Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 11-10-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kishanpur P.S. Case no. 172 of 2017, registered under Sections 147, 148, 149, 341, 323, 324, 325, 307, 379, 504 and 506 of the Indian Penal Code.

The accusation is that on 22.06.2017 at about 9.00 P.M. when informant was going to Mosque for prayer at that time 11 persons named in the F.I.R. and 15 unknown came on two four wheelers and attacked on the informant. At that time, on the order of Petitioner No.2 Md. Riyazuddin @ Heera, petitioner No.1 Md. Rustam caused injury through Farsa at the head of Md. Ali Haidar, brother of the informant, who fell down. Thereafter, Md. Salauddin caused injury to his brother Ali Haidar through lathi and petitioner Md. Riyazuddin @ Heera caused injury to Nasim Akhtar.



Learned counsel for the petitioners submits that while allegation against petitioner No.1 is to caused Ali Haider through Farsa, but the injury was found laceration in nature and the opinion was kept reserved, whereas injuries of Md. Nasim Akhtar, which is attributed against petitioner No.2 Md. Riyazuddin @ Heera is simple in nature.

Having regard to the facts and circumstances of the case, let the petitioner No. 2 Md. Riyazuddin @ Heera be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No. 172 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No.1 Md. Rustam is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner No. 1 Md. Rustam. Accordingly, his prayer for grant of anticipatory bail stands **rejected.**

(Rajendra Kumar Mishra, J)

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