

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60439 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -KASBA District- PURNIA

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1. Md. Arif,
 2. Md. Mohiuddin @ Mohiuddin, Both No.1 and 2 are sons of Abdul Majid,
 3. Md. Saud Alam @ Md. Saud, Son of Md. Mohiuddi @ Mohiuddin, All resident of Bhauwra, P.S. Kasba, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jagdish Prasad Bhagat

For the Opposite Party/s : Mr. Sri Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 13-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 354, 504 and 506 of the Indian Penal Code.

The prosecution case is that on 29.07.2017 the accused persons came, variously armed and started assaulting the husband of the informant on the road. It is specifically alleged that petitioner no. 1 Md. Arif assaulted with bamboo on the head of the husband of the informant causing cut injury on



the head of the husband of the informant and when the informant came to rescue, she was also being assaulted on the lower part of the abdomen and back. It is specifically alleged that petitioner nos. 2 and 3 tore the sari of the informant and snatched earring. In the meantime, the informant's son Sahjad and daughter Ajmat came to rescue and they were also assaulted.

It is submitted by learned counsel for the petitioners that the specific accusation of assault is only against petitioner no. 1. Though, the injury has been found grievous but the same has been managed by the informant, who is an influential person. There is no injury report of the informant and informant's son and daughter on the record. In the background of land dispute since the petitioners are agnates of the informant, the accusation has been levelled and there is counter version of the occurrence being Kasba P.S. Cae No. 132 of 2017 filed with accusation under Sections 341, 323, 379, 504 and 506 of the Indian Penal Code against the informant and others. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the specific accusation of assault against petitioner no. 1 Md. Arif to have assaulted the husband of the informant and injury has been found grievous in



nature, let the learned Court below consider the prayer for regular bail of petitioner no. 1, if he surrenders within a period of six weeks from today.

So far as petitioner nos. 2 and 3 are concerned, there is no specific accusation of assault against them and a statement has been made in paragraph 3 of the petition that they have no criminal antecedent, let the above named petitioner nos. 2 and 3 be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Kasba P.S. Case No. 131 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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