

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61775 of 2018

Arising Out of PS. Case No.-411 Year-2017 Thana- FORBESGANJ District- Araria

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1. Md. Nafil aged 26 Years,
 2. Md. Kafil aged 25 Years, Both Sons Md. Mehiuddin, Residents of Vill.- Belay Pothiya, Ward No.-4, P.S.- Simraha, District-Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-10-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Md. Mahrul, dated 06.06.2017, submitted to the Station House Officer, Forbesganj (Simraha) Police Station is to the effect that on 05.06.2017, at about 4 PM, four accused persons including the petitioners came variously armed and started abusing the informant and made objection with regard to construction of the house, as the land on which the said construction was being made, was claimed by the accused persons, and on protest being made by the informant, all the accused persons assaulted the



informant and on alarm being raised, when Bibi Afsana, Bibi Fatima and Bibi Ayesha came to rescue him, all the accused persons assaulted to them.

Learned counsel for the petitioners submits that the petitioners are the agnates of the informant. It is further submitted that in the background of partition dispute, the accusation has been levelled against the petitioners, and in fact, the informant's side was constructing house over the land of the petitioners. There is a counter version of the occurrence also being Forbesganj (Simraha) P.S. Case No. 412 of 2017. The accusation of assault is omnibus and general. Though, the opinion with regard to some of the injuries has been kept reserved, but the accusation is not being corroborated by the medical opinion as the accusation against the petitioners is of making assault with sharp cutting weapon, whereas the injury has been found to be superficial simple in nature, caused by hard and blunt substance. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent. Moreover, other similarly situated accused persons have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.09.2018, passed in Cr. Misc. No. 55721 of 2018.



Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the accusation being omnibus and general and not being corroborated by the medical opinion, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned **CJM, Araria** in connection with **Forbesganj (Simraha) P.S. Case No. 411 of 2017**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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