

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62364 of 2018

Arising Out of PS.Case No. -230 Year- 2017 Thana -PALASI District- ARRARIA

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1. Md. Touhid, S/o Late Khalilur Rahman,
 2. Md. Munazir @ Munazir, S/o Md. Touhid,
 3. Md. Mojammit, S/o Md. Touhid,
 4. Md. Manowar, S/o Md. Touhid,
 5. Md. Hazrat, S/o Late Wazuddin,
 6. Muntazim @ Soma, S/o Md. Hazrat, Petitioner No. 1 to 4 R/o Vill.- Marichgaon, Tola Hatgaon and Petitioner No. 5 & 6 R/o Vill.- Kathalbari, All P.S.- Palasi, District- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Naushad Uzzoha, Advocate.

For the Opposite Party : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 Heard learned counsel for the petitioners and learned counsel for the State.

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

The prosecution story, in brief, is that on 25.08.2017 at about 7.00 A.M. the accused persons Md. Touhid, Md. Munajir, Md. Mojammit and Md. Manowar were cutting *Kadam Tree* of informant standing in paddy field. When a protest was raised by the informant, they started abusing him. In the meantime, accused



persons Md. Hajarat and Muntajim @ Soma also came there and thereafter all the accused persons armed with *Farsa*, *Axe*, *Dabia* and *Bhala* started assaulting him. Accused Touhid with intent to kill the informant inflicted *Farsa* blow on his head as a result, he sustained head injury. When the brother of informant Rafakat came there in order to save the informant, accused Md. Munazir with intent to kill him caused injury on his head with *Dabia*. Accused persons Md. Mojamamil and Manowar also caused injury on the head and face of brothers of Informant Sadan, Safizyan and uncle Soyeb Alam with *Lathi*, *Farsa* and *Dabia*. Accused persons Hajrat and Muntazim @ Soma took out Rs 17,500/- from the pocket of informant. On alarm, the villagers came there then the accused persons fled away from there.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Both sides are agnates. The matter has already been compromised between the parties vide Annexure-3 and 3/1 to the present application.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Araria, in connection with Palasi P.S. Case No. 230 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

