

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72050 of 2018

Arising Out of PS. Case No.-276 Year-2017 Thana- BAIKUNTHPUR District- Gopalganj

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1. Mantu Mian, S/O Sahabuddin Mian.
 2. Sahabuddin Mian, S/O Walayat Mian.
 3. Irfan Ansari, S/O Yusuf Ansari.
 4. Akbar Mian, S/O Wakil Mian.
 5. Mahmud Mian, S/O Babujan Mian. All R/V- Khaira Asha, P.S.
Baikunthpur, District-Gopalganj.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Kapil Deo Singh, Advocate.
For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 148, 149, 323,
324, 307, 504, 506 and 379 of the IPC.

The prosecution story, in brief, is that on 10.11.2017
at 5.30 P.M., the informant Ram Naresh Rai was in *Bathan* to
look after the Buffaloes. In the meantime, petitioners alongwith
co-accused persons having armed with *Sword, Iron-rod, gun*
etc., came there and encircled the *Bathan*, co-accused Taiyab
Mian, Wakil Mian and Kudas Mian gave order to kill him as he
has given evidence against him. On which, co-accused



Hasmuddin @ Mithu inflicted *Sword* blow over his head causing cut injury on head and he fell down on the ground and thereafter, all of them started assaulting him with *rod, Farsa, Sword* and *Bhala*. When his *Bhabhi* and wife and Ram Ekbal Rai rushed to rescue him then all of them also started assaulting them. On hula, when villagers started coming then co-accused Taiyab Mian, Wakil Mian and Kudus Mian opened fire and snatched Rs. 2,000/- from his pocket, *Mangal-Sutra* from his wife and gold chain from his *Bhabhi*.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. The petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. It is case and counter case between the parties. Both sides are said to have injured in course of occurrence. The matter has already been compromised between the parties vide Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been 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 C.J.M. Gopalganj, in connection with Baikunthpur P.S. Case No. 276 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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