

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20717 of 2018

Arising Out of PS.Case No. -93 Year- 2016 Thana -BHAWANIPUR District- PURNIA

- =====
1. Mumtaj Alam @ Mumtaj Son of Julfu
 2. Tajuddin @ Tajo Son of Julfu Both are residents of Bhangaha, P.S. Bhawanipur, District Purnea.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-04-2018

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 307, 323, 341, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Md. Jubair Alam dated 31.05.2016 submitted to the Station House Officer, Bhawanipur P.S., District – Purnea, is to the effect that on 31.05.2016 at 3.00 P.M. the uncle of the informant, Md. Hasmuddin went to attend feast in the neighbourhood where Md. Amrul started making mockery of the uncle and the mother of the informant, who lost in the recent concluded Panchayat



election. The uncle of the informant tried to pacify the issue but they got angry. Thereafter the uncle of the informant went to the house and explained to the father of the informant. The father of the informant called the accused persons and tried to pacify the issue. In the meantime, accused Arif slapped the father of the informant and called eleven persons, who came variously armed and started assaulting the father, uncle and brother of the informant.

It is submitted by learned counsel for the petitioners that in the background of petty dispute and political rivalry the accusation has been levelled against the petitioners. There is a counter version of the occurrence being Bhawanipur P.S. Case No. 96 of 2016 registered for the offences punishable under Sections 307, 323, 341, 379, 504 and 506/34 of the Indian Penal Code. It is further submitted that, though, one of the injuries of the uncle of the informant has been found to be grievous on the head when accusation in the FIR is of making assault by 12 accused persons. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that there is accusation against the petitioners to have made assault.



Considering the background in which the accusation has been levelled, there is omnibus and general accusation of assault against 12 persons when only one injury has been found to be grievous coupled with the statement made in paragraph 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 their 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 S.D.J.M., Purnea in connection with Bhawanipur P.S. Case No. 93 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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