

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5129 of 2018

Arising Out of PS.Case No. -308 Year- 2017 Thana -CHHATAPUR District- SUPAUL

- =====
1. Abdul Hay, Son of Ismail,
 2. Md. Majarul @ Md. Majarul Haque, son of Md. Ismail,
 3. Usnauk @ Md. Ismail, Son of Abdul Mannan.
 4. Jubeda Khatoon, Wife of Md. Ismail.
 5. Md. Jalil,
 6. Md. Ismail @ Ismail, both sons of Late Sikandar Ali.
 7. Md. Japher Ali, Son of Md. Isa.
 8. Md. Mustaque @ Mustak, Son of Late Dost Mohammad,
 9. Md. Mahboob, Son of Md. Khalid.
 10. Abdul Matin, son of Late Mohsin Ali, All resident of Village- Pariyahi, P.S.- Chhatapur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Opposite Party/s : Mr. Sri B. N. Pandey

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 02-02-2018 Heard the learned counsel for the petitioners, the learned counsel for the informant and the leaner A.P.P.

The petitioners apprehend their arrest in Chhatapur P.S. case No. 308 of 2017 under Section 326, 325, 307, 384 and other Sections of the Indian Penal Code.

The informant altogether named 16 persons in the FIR and alleged that Intasur Alam assaulted his son with Farsa which he warded of on his hand and got injury on his hand. When the son of informant fell down on the ground Baddruddin came to save. Md. Mansur and Imran assaulted him with sword. Majarul and Md. Ismail, petitioner No.2 and 6, indiscriminately assaulted Baddrudin with Lathi. Md. Ishaque @ Munna assaulted Badruddin



with spear. Jubeda Khatoon, petitioner No.4, is alleged to have pelted stones. Md. Azim, not petitioner, is alleged to have assaulted the informant with iron rod.

The learned counsel for the petitioners submits that there is no specific allegation of assault against Abdul Hay, petitioner No.1, Usnauk @ Md. Ismail, petitioner No.3, Jubeda Khatoon, petitioner No.4, Md. Jalil, petitioner No.5, Md. Japher Ali, petitioner No. 7, Md. Mustaque @ Mustak, petitioner No.8, Md. Mahboob, petitioner No.9 and Abdul Matin, petitioner No.10. Admittedly there is litigation between the parties. It is further submitted that Badruddin got injuries caused by sharp edged weapon. No injury caused by hard and blunt object was found on the person of Badruddin.

The learned A.P.P. as well as learned counsel for the informant submitted that Abdul Hay, petitioner No.1, Usnauk @ Md. Ismail, petitioner No.3, Md. Jalil, petitioner No.5, Md. Ismail, petitioner No.6 and Md. Mahboob, petitioner No.9 are accused in Chhatarpur P.S. case No. 156 of 2016 for the killing of son of informant after kidnapping him and that is why all the accused persons have assaulted the informant and his sons.

Considering the fact that Abdul Hay, petitioner No.1, Usnauk @ Md. Ismail, petitioner No.3, Md. Jalil, petitioner No.5, Md. Ismail, petitioner No.6 and Md. Mahboob, petitioner No.9 are accused in Chhatarpur P.S. case No. 156 of 2016 for the killing of son of informant after kidnapping him and there is specific allegation against petitioner No. 2. Majarul @ Md. Majarul and petitioner No.6, Md. Ismail that they assaulted the son of informant indiscriminately with Lathi on account of the fact that they are alleged to have made accused in a criminal case of



murder, I am not inclined to enlarge the petitioners No.1, 2, 3,5,6 and 9 on anticipatory bail. Accordingly the same is rejected.

So far as case of Jubeda Khatoon, petitioner No.4, Md. Japher Ali, petitioner No.7, Md. Mustaque @ Mustak, petitioner No.8 and Abdul Matin, petitioner No. 10 is concerned there is no specific allegation against them.

Considering the facts aforesaid, the petitioners No.4, Jubeda Khatoon, 7. Md. Japher Ali, 8. Mustaque @ Mustak and petitioner No.10, Abdul Matin, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Chhatapur P.S. case No. 308 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--

