

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23841 of 2018

Arising Out of PS. Case No.-239 Year-2017 Thana- BISFI District- Madhubani

Md. Neyaz, Son of Md. Usman, Resident of Village - Gajva, P.S. Bisfi,
District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Sri Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/302/307/323/341/504 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Salima Khatoon, recorded by Gaya Singh, S.I, Bisfi Police
Station on 2.10.2017 at 3.55 PM at Primary Health Centre,
Bisfi, to the effect that on 2.10.2017, at 1.30 P.M., the children
from the both sides were fighting for playing cricket, upon
which the husband of the informant went to pacify the issue,
nine accused persons, including the petitioner, surrounded the
husband of the informant and started abusing and assaulting
him. It is specifically alleged that Md. Mehraj assaulted on the



head of the husband of the informant with bamboo and Md. Taushim assaulted on his head with iron rod, whereas, Md. Taheer assaulted on his head with lathi. As a result, the husband of the informant fell down on the ground and got unconscious. It is further alleged that the accused persons also assaulted the two children of the informant. Subsequently, husband of the informant succumbed to his injuries.

It is submitted by learned counsel for the petitioner that there is no specific accusation of assault against the petitioner. The FIR suggests that specific accusation of assault has been levelled against Md. Mehraj, Md. Taushim and Md. Taheer. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. Uma Shankar Prasad Singh, learned APP for the State that specific accusation of assault is against all the accused persons, including the petitioner, named in the FIR.

Considering the specific accusation of assault levelled against three other accused persons not against the petitioner, coupled with statement made in para no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a



period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Benipatti, Madhubani, in connection with Bisfi P.S. Case No.239 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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