

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34470 of 2018

Arising Out of PS.Case No. -88 Year- 2018 Thana -DHAMDAHA District- PURNIA

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1. Md. Mumtaz @ Md. Mumtaz Alam @ Mumtaz Alam, Son of Late Abdul Ajij.
 2. Md. Mustafa @ Mushtaque @ Md. Mustafa Ansari, Son of Abdul Ajij,
 3. Md. Murtaza @ Md. Murtuza, Son of Late Abdul Ajij,
 4. Md. Afzal Ansari, Son of Md. Murtaza @ Md. Murtuza. All R/o Khanuwan, P.S. Dhamadaha, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 03-07-2018

Heard both sides.

The petitioners apprehend their arrest in Dhamdaha P.S. case No. 88 of 2018 under Sections 341, 323, 324, 307, 504 and 379/34 of the Indian Penal Code.

Md. Sidique, the informant, alleged that he was going to handover Rs. 70,000/- to Md. Irsad for leasing out the land but Md. Mumtaj, Md. Mustafa, Md. Murtaza, Afjal Ansari and Md. Pappu, having armed with different weapons, came to his door and began to assault him. Two persons caught his hand two persons caught his leg. Md. Mustafa @ Md. Mustaque slit his neck with sharp edged weapon.



The learned counsel for the petitioners submits that all allegations are false and concocted. The informant got only one injury that too the injury is superficial in nature. All the accused persons are alleged to have indiscriminately and brutally assaulted the informant but no other injury is found on the person of informant. The true facts are that the villagers gave contribution to purchase a piece of land bearing plot no. 341, Khata no. 362, area 52 decimal but the informant misappropriated the entire contribution amount that is why the informant lodged this false case.

It appears that the informant alleged that all the five accused including the four petitioners are alleged to have brutally and indiscriminately assaulted the informant and Md. Mustafa is alleged to have slit the neck of the informant but only one injury, which is attributed to Md. Mustafa, is found. No other injury is found on the person of the informant.

Taking into consideration the facts aforesaid I find that the petitioner no. 1, Md Mumtaz @ Md. Mumtaz Alam @ Mumtaz alam, petitioner no. 3 Md. Murtaza @ Md. Murtuza and petitioner no. 4, Md. Afzal Ansari deserve anticipatory bail. Accordingly, the petitioners no. 1, 3 and 4 above named, 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, Purnea, in connection with Dhamdaha P.S. case No. 88 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the petitioner no. 2, Md. Mustafa @ Mushtaque is concerned, the informant alleged that it was he who slit the neck of the informant and corresponding injury is found on the neck, of course, the injury is simple in nature, I am not inclined to enlarge petitioner no. 2, Md. Mustafa @ Mushtaque, on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/Rajan

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