

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39736 of 2018

Arising Out of PS. Case No.-77 Year-2013 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Sheikh Mantazir @ Mantazir Hussain, S/o Late Gafoor,
 2. Ehsanul Haque, Md. Ehsanul Haque S/o Late Aidul Jabbar,
 3. Majid D/o Zahirul Haque,
 4. Amjad D/o Late Master Nsarul Haque,
 5. Anwarul Haque S/o Late Abdul Jabbar,
- All R/o Vill.- Hardiya, P.S.- Kundwwa Chainpur, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zaki Haider, Adv.
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 10-07-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 307/323/341/379/
504/506/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report submitted by Hasin Akhtar to the Station House Officer,
Kundwachainpur Police Station is to the effect that on
26.07.2013 at 01.30 P.M., while, the informant was returning



after offering Namaz, co-accused Master Nesarul Haque demanded donation forcibly which was protested by him. Subsequently, all the petitioners assaulted the informant, causing injury on his head. It is specifically alleged that petitioner no.1, Sheikh Mantazir assaulted on the head of the informant with country made pistol, when co-accused, Habibul Haque snatched Rs.5,000/- from the pocket of the informant, whereas, it is alleged against petitioner no.3, Majid that he snatched a gold chain from the neck of the informant.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and petitioner nos. 1 to 4 have not been sent up for trial while petitioner no.5 have been charge-sheeted under the bailable offences punishable under Sections 341, 323, 324, 504 and 506/34, but subsequently, the learned Magistrate took cognizance against petitioner no.1 also and process has been directed to be issued. It is further submitted that the injuries have been found simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the fact that the petitioners have not been sent up for trial, coupled with statement made in paragraph no.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 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) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Sikrahana at Dhaka, in connection with Kundauachainpur P.S. Case No.77 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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