

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57982 of 2018

Arising Out of PS.Case No. -203 Year- 2018 Thana -RAJNAGAR District- MADHUBANI

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1. Md. Zafir, Son of Md. Kashim
 2. Md. Nashim, Son of Md. Ishlam
 3. Md. Washim, Son of Md. Nashim
 4. Md. Kashim, Son of Late Md. Wahid
 5. Md. Sarfaraz, Son of Md.Sirazul

All resident of Village – Pachadahi, P.S. – Rajangar, District –
Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 20-09-2018

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
147, 148, 149, 341, 324, 307, 379, 354A of the Indian Penal
Code and Sections 3/4 of Prevention of Witch Practices Act.

The prosecution case got initiated with the
written report of Sahida Khatoon dated 17.06.2018 submitted to



the Station House Officer, Madhubani P.S., to the effect that on 16.06.2018 at 8.00 P.M., a meeting was going on in the house in the house of Mohammad Sahid Hussain with regard to renovation of the Mosque situated in the village of the informant. The husband of the informant, Anjarul Haque was Secretary for the Renovation Committee of the Mosque. It is alleged that the accused persons came variously armed when petitioner no. 1, Md. Zafir assaulted with Farsa on the head of Imteyaz, Petitioner no. 4, Md. Kashim caught hold of the informant and Petitioner No. 2, Md. Nashim tore the Salwar of the informant, rendering her semi naked. In the meantime, Samo Khatoon came to her rescue, then Petitioner no. 5, Md. Sarfaraz assaulted with dagger on her abdomen, when Md. Irshad came to rescue then Abdul Hannan (non-petitioner) assaulted with Khukhari on his neck causing injury. Petitioner No. 3, Md. Washim and Md. Mojibul (non-petitioner) snatched the donated money to the tune of Rs,75,000./-.

It is submitted by learned counsel for the petitioners that the accusation of assault has been levelled against petitioner no. 1, Md. Zafir with Farsa to Imteyaz and petitioner no. 5, Md. Sarfaraz assaulted Sammo Khatoon with



dagger. The injury report of Md. Imteyaz suggests two injuries, one incised wound and other is swelling and both the injuries have been found simple, whereas the injury of Sammo Khatoon reflects that she has not received any injury. There is a counter version of the occurrence being Rajnagar P.S. 204 of 2018 registered with accusation under Sections 147, 148, 149, 307, 341, 342, 323, 324, 379 and 427 of the Indian Penal Code and petitioners have also received injuries. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the genesis of the occurrence and accusation being not corroborated with the medical opinion 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 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 A.C.J.M. Ist, Madhubani in connection with Rajnagar P.S. Case No. 203 of



2018, subject to the conditions as laid down under Section 438(2)
of the Cr.P.C.

DKS/-

(Dinesh Kumar Singh, J)

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