

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69806 of 2018

Arising Out of PS. Case No.-428 Year-2017 Thana- CHANPATIA District- West Champaran

1. Jahangir Mian @ Jahangir Alam S/o Inayat Mian.
2. Safaytu Nesha @ Safaytu Khatoon W/o Jamayat Mian
3. Nurjahan Khatoon W/o Inayat Mian
4. Jakir Mian @ Jakir Alam @ Hussain S/o Inayat Mian All Resident of Village-Barohia,P.S. Chanpatia, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case initially registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324 and 504 of the Indian Penal Code. Subsequently, Section 302 IPC was also added after the death of the informant.

The prosecution case as per the written report of Khalil Miyan, dated 23.11.2017, submitted to the Station House Officer, Chanpatia Police Station is to the effect that on 22.11.2017 at 8.00 A.M., the informant was going to sow the wheat crop in his field, in the meantime, ten FIR named accused



persons including the petitioners came, whereupon co-accused Inayat Miyan assaulted the informant with farsa, causing cut injury on the left hand of the informant and when the informant's three daughters came to rescue him, they were also assaulted.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and in the background of land dispute, the accusation has been levelled. The opinion of the doctor who conducted the postmortem examination, suggests that the victim died of anemia and hypertension. The injury of the daughters of the informant is not on record. 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 accusation of assaulting the daughters of the informant is omnibus and general against all the accused persons.

Considering the fact that thrust of accusation of assaulting the informant, who ultimately died, is against co-accused Inayat Miyan, 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 Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 428 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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