

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67842 of 2018

Arising Out of PS. Case No.-44 Year-2018 Thana- KEWATI District- Darbhanga

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1. Md. Maksood,
 2. Md. Mansoor, Both Sons of Md. Sakir,
 3. Md. Jabir, S/o Md. Jakir, All R/o Village- Nayatola (Hulas),
P.S.- Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das

For the Opposite Party/s : Mr. Smt. Gulnar Begam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 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, 447, 341, 323, 324, 307, 379, 504 and 510 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Md. Asfak recorded by A.S.I., Rama Shanker Paswan on 03.04.2018 at 11.00 A.M. at D.M.C.H. to the effect that when the informant parked his Auto rickshaw at his door he heard some hue and cry coming from his courtyard and when he rushed inside he found that the petitioners and other accused persons being variously armed were abusing the wife of the informant . On protest on the order of co-accused Sabir, co-accused Md. Tahir assaulted



with sword on the head of the informant as a result he sustained injury and fell down. Thereafter, other accused persons including the petitioners assaulted the informant with lathi when Shahnaj Begum, wife of the informant came to rescue then Md. Maksood, petitioner no. 1 assaulted her with lathi as a result she fell down and thereafter co-accused Sabir assaulted her with lathi, when one Md. Azizul Rahman came to rescue then petitioner no.2. Md. Mansoor inflicted sword blow causing cut injury on his cheek. It is further alleged that the accused persons took away ornaments and cash from the box.

It is submitted by learned counsel for the petitioners that at an earlier point of time the petitioners' side lodged Keoti P.S. Case No. 42 of 2018 against the informant of the present case and as a retaliatory measure the present case has been lodged. The injury has not been found to be grievous as gets reflected from the impugned of the learned Sessions Judge. 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 fact that the accusation does not corroborate with the medical opinion and the case lodged by the



petitioners' side at earlier point of time, 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 Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Keoti P.S. Case No. 44 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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