

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69874 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- KHAIRA District- Jamui

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1. Israil Mian, Son of Late Farid Mian
 2. Shamsad Mian, Son of Israil Mian Both Resident of Village-
Neema Tand,P.S. Khaira,Distt.-Jamlui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2018 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, 504 and 506 of the Indian Penal Code.

The prosecution case as per the written report of Md. Murshid dated 09.04.2018, submitted to the Station House Officer of Khaira P.S. is to the effect that that on 09.04.2018 at 3.00 P.M., all the eight accused persons including the petitioners came and started abusing and on protest being made, they started assaulting the informant. It is alleged against petitioner no. 1 Israil Mian to have assaulted with knife on the head of the informant causing bleeding injury. It is further alleged that the co-accused Alam came and gave life threatening on the point of pistol, while co-accused Naushad Mian assaulted the informant



with lathi and other co-accused persons assaulted with fists and slaps. The cause of occurrence is a dispute with regard to the construction of toilet on the land of the informant.

It is submitted by learned counsel for the petitioners that, though, the injury of the informant has been found to be grievous on his head but the doctor has opined that it has been caused by hard and blunt substance, whereas the accusation of assault against petitioner no. 1 is of causing injury by knife. It is further submitted that the informant has received only one injury caused by hard and blunt substance and there is no accusation of assault against petitioner no. 2. A statement has been made in paragraph 3 of the petition that the petitioners not having any criminal antecedent.

Learned APP submits that the accusation is specific against petitioner no. 1.

Considering the accusation not being corroborated by the medical opinion and the genesis of the occurrence 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, Jamui in connection with Khaira P.S. Case No. 130 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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