

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70718 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- KOCHADHAMAN District- Kishanganj

1. Md. Azad @ Azad
2. Mazhar Alam @ Mazher Both, Sons of Quaiyum, Residents of Village- Dariyapur, P.S.- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam
For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the IPC.

The prosecution case, as per the written report of Tanjim Alam dated 27.01.2018, submitted to the Station House Officer, Kochadhaman Police Station, is to the effect that on 24.01.2018 at 8 AM, there was a quarrel between the children of both sides, which was ultimately reconciled. On the same day at 4 PM, when the informant went to watch the wheat crop then the accused persons assaulted the informant with branch of a tree



and when the co-villager of the informant, Sitara Begam and Taukir Alam tried to intervene, they were also assaulted.

It is submitted by learned counsel for the petitioners that the accusation of assault is against four persons when only two injuries have been caused, however, learned Sessions Judge has recorded that one of the injuries have been found to be grievous. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners.

Considering the fact that accusation of assault is omnibus and general against four persons, when only two injuries have been found, coupled with the 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/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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No. 17 of 2018, subject to the condition as laid down under Section 438(2) of



the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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