

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58250 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -KOCHADHAMAN District- KISANGANJ

- =====
1. Nurul Alam, Son of Late Mainuddin,
 2. Firoz Alam, Son of Nurul Alam, Both resident of Village- Danti, P.S.-
Kochadhaman, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha

For the Opposite Party/s : . Md. Nazir Ansari

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 29-01-2018 Heard the learned counsel for the petitioners, the

learned A.P.P. for the State as also the learned counsel for the

Informant.

In this application for anticipatory bail the petitioners

apprehend their arrest in connection with Kochadhaman P.S. Case

No. 64 of 2017 for the offences punishable under sections 147,

148, 149, 307, 504 and 302 of the I.P.C.

In the FIR it is alleged that on the instigation of

Mojahid Alam the petitioners and co-accused Meraj Imran started

assaulting Naushekha Aadil and Ijhar Alam brutally and injured

them and thereafter Mojahid Alam gave lathi blow on the head of

Naushekha Aadil causing rupture and he succumbed to the injury.



Submission is of false implication and that from the FIR itself it is apparent that there is land dispute between the parties, against the petitioners there is no specific allegation rather the allegations are omnibus and general in nature, Ijhar Alam has received simple injury caused by hard and blunt substance, vide paragraph- 154 of the case diary, the assailant is co-accused Mojahid Alam and not the petitioners and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that in the postmortem report multiple injuries have been found and against the petitioners there is allegation for assaulting the deceased and Ijhar Alam both.

In the facts and circumstances stated above, considering that the assailant is co-accused Mojahid Alam and against the petitioners there is general and omnibus allegation and further Ijhar Alam has received simple injury and as such the petitioners, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M, Kishanganj in connection with



the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

Abhay/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--

