

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.65582 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -PALASI District- ARRARIA

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1. Md. Aayas, Son of Late Tamizuddin,
2. Md. Rafat @ Md. Rafad, Son of Israil, Both are Resident of Village-
Kakorwa, P.S.- Palasi, Dist- Araria.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Madhuranand Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-10-2018 Learned counsel for the petitioners seeks permission to

withdraw the anticipatory bail application on behalf of petitioner

no. 1 Md. Aayas as he has already been taken into custody in

connection with Palasi P.S. Case No. 05 of 2018, pending in the

court of learned A.C.J.M.-VI, Araria.

Permission is accorded.

The anticipatory bail application on behalf of
petitioner no. 1 Md. Aayas is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2 and
learned A.P.P. for the State.

The petitioner no. 2 is apprehending his arrest in a
case for the offence registered under Sections 341, 323, 324, 325,



307, 379, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 08.01.2018 at about 2.00 P.M. F.I.R. named accused persons due to previous enmity, threatened the son of the informant to withdraw the case. In the meantime, FIR named accused persons including petitioner no. 2 armed with deadly weapon came there and co-accused Aayas started abusing and threatened to kill them. When the informant, her husband and son protested then they assaulted her husband and son, when her husband namely, Awesh tried to flee away to save his life, co-accused Md. Imam given *Dabiya* blow causing head injury. Petitioner no. 2 Md. Rafat @ Md. Rafad and co-accused Md. Aayas assaulted her son Galib with Iron rod causing head injury. Co-accused Md. Imtiyaz assaulted with *Lathi* on his hand and back side and other accused persons assaulted her husband at *Bhusi* house. When her daughter and niece came to rescue then co-accused Md. Israil, Arshad, Jahid assaulted and took chain of 10 *Bhar* from the neck of her daughter and chain of 8 *Bhar* from the neck of her niece. The neighbours came there and save them and brought them to hospital for their treatment.

It has been submitted by learned counsel for the petitioner no. 2 that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering with the witnesses



alleged against the petitioner no. 2. The petitioner no. 2 has falsely been implicated in the present case. It is case and counter case between the parties. It is alleged that free fight have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner no. 2 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner no. 2 above named, (except petitioner no. 1 Md. Aayas) in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Araria, in connection with Palasi P.S. Case No. 05 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

