

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13230 of 2018

Arising Out of PS.Case No. -305 Year- 2017 Thana -PALASI District- ARRARIA

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1. Md. Wasique @ Wosique, S/o Noorul Hoda,
2. Md. Rahmat S/o Noorul Hoda,
3. Md. Muslim S/o Late Majeed , All are R/o Village- Dighli, P.S.- Palasi,
District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 05-04-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Palasi P.S.Case no.305/2017 , registered for offences punishable under Sections 341, 323, 325, 307, 379 and 504/34 of the Indian Penal Code.

Allegation against the petitioner no.2 is of assault by iron rod on the head of the informant and allegation against the other accused persons is of assault by *lathi*.

Submission of the learned counsel for the petitioners is that no injury of *lathi* was found on the person of the accused persons and so far injury on the head is concerned, opinion of the Doctor has been kept reserved. It has further been submitted that earlier of



lodging of this case, a case was lodged by the mother of the petitioner no.1 on 29.6.2017 and the present case has been lodged to save their skin.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail stating that the petitioners have assaulted on the head of the informant for which a case has been lodged.

Having heard both sides and in view of the facts and circumstances, as stated above , so far petitioner no.2 (Md. Rahmat) is concerned, he is directed to surrender before the learned court below within a period of six weeks from the date of this order, which will be considered on the basis of the merit of this case especially injury on the person of the injured and so far other petitioners (petitioner no.1 Md. Wasique @ Wosique and petitioner no.3 Md. Muslim) are concerned, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Araria in connection with Palasi P.S.Case No.305 of 2017 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.



With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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