

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23848 of 2018

Arising Out of PS. Case No.-37 Year-2017 Thana- SAHARSA RAIL P.S District- Khagaria

1. Md. Rafique @ Md. Zameer, son of Md. Sabir
 2. Md. Rahmat, son of Md. Badir
- Both are resident of Muhalla - Machhali Market, P.S. Sadar Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 307, 323, 325,341, 379,34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Shanti Devi, recorded by Shambhu Kumar, A.S.I., Sadar (Saharsa) Police Station on 13.12.2017 at 9.30 AM., at Women Ward No.12 at Sadar Hospital Saharsa to the effect that on 03.12.2017 at 10.00 P.M. when the informant was returning home after selling vegetables, she went to ease out, in the meanwhile, co-accused, Md. Chunna assaulted on her head with iron pipe and these petitioners Md. Rafique and Rahmat



assaulted her by bamboo. It is further alleged that the accused persons snatched her gold ear rings and mangalsutra worth Rs.5000/-.

It is submitted by learned counsel for the petitioners that specific accusation of assault with iron pipe on the head of the informant is levelled against co-accused Md. Chunna. The impugned order suggests that injury has been found to be simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that specific accusation of assault has been levelled against these petitioners also.

Considering the fact that the accusation of assault on the head of the informant is alleged to have been caused by co-accused, Md. Chunna and the injury has been found to be simple in nature, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned ACJM (Railway), Khagaria, in connection with Saharsa Rail P.S. Case No.37 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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