

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27114 of 2018

Arising Out of PS. Case No.-83 Year-2017 Thana- SIGORI District- Patna

-
-
1. Md. Sarfaraz, S/o Late Md. Nizamuddin,
 2. Md. Azad @ Md. Azad Alam S/o Md. Sarfaraz, Both R/o vill.-
Janpur, P.S.- Sigori, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Sri Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-05-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,379,354,307 and 504/34 of the IPC.

The prosecution case based on the written report of Md. Yashin dated 30.8.2017 submitted to the SHO, Shigori Police Station is to the effect that someone stole the electric bulb of petitioner no. 1 Md. Sharfaraz, upon which he started abusing the villagers in the morning, which was protested by the nephew of the informant namely Md. Washim. Md. Washim



handed over one bulb to petitioner no. 1 Md. Sharfaraz but in spite of that he kept on abusing. Subsequently, petitioner no. 2 Md. Azad assaulted on the head of the nephew of the informant namely Md. Washim with iron rod, while petitioner no. 1 Md. Sarfaraz assaulted Md. Washim with lathi on the frontal portion of his head and right hand. Thereafter Md. Washim fell down, whereupon petitioner no. 2 Md. Azad muzzled the chest of Md. Washim. When the sister of Md. Washim namely Sajda Khatoon came to his rescue, petitioner no. 1 Sharfaraz pulled her stole and tore her samiz. In the meantime, wife of petitioner no. 1 Md. Sarfaraz, namely, Tara Khatoon came and assaulted Sajda Khatoon on her back and leg and snatched her ear rings and also tore her apparels. It is also alleged that the wife of petitioner no. 2 Md. Azad namely Khushbu Khatoon also assaulted Md. Washim on back and neck and on the hand of Sajda Khatoon. Injury report of Md. Washim suggests that he received four injuries but the final opinion about the injury has not been received.

It is submitted by learned counsel for the petitioners that the the accusation is not being corroborated by the medical opinion as the informant received four injuries but out of the four injuries, three injuries are scratch on forehead, lip and



elbow whereas injury no. 4 is hematoma. The final injury report has still not come. It is further submitted that the occurrence took place due to petty dispute. Statement has been made in paragraph 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 genesis of the occurrence coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on provisional anticipatory bail for a period of two months in the event of arrest or surrender within four weeks 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- V, Danapur, Patna, in connection with Sigori P.S. Case No.83 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C. The provisional anticipatory bail will be confirmed by the learned court below if after obtaining final injury report of Md. Washim it is found that the injury is not grievous but in case the injury is found to be grievous, this order will not be given effect to and the



petitioners will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

