

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68598 of 2018

Arising Out of PS. Case No.-91 Year-2016 Thana- BABUBARHI District- Madhubani

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1. Hafij Wahid @ Abdul Wahid, Son of Late Liyakat Momin,
 2. Md. Aslam @ Md. Aslam Hussain @ Aslam Hussain, Son of Nafij Wahid. Both resident of Village- Bausi, P.S.- Babubarhi, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Gagan Deo Yadav, Advocate.
For the Opposite Party : Mr. Manoj Kumar – 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 143, 341, 323, 307 and 504/34 of the IPC.

The prosecution story, in brief, is that on 30.05.2016 at about 9.30 P. M. the son of the informant Md. Hanjala went to *Salkhaniya Chowk* for taking Md. Tufail Nadeem and when Tufail reached his house the said Md. Hanjala was returning his house and when he reached near the house of Md. Sakur, petitioner no. 1 Hafiz Wahid, co-accused Md. Saddam Hussain Md. Salim and Md. Akram Hussain, all of village- Baunsi on instance of one Md. Aslam had attempted to kill him by knife



blow on right side of his back. Thereafter, Md. Salim assaulted him by knife on right side of his head and co-accused Md. Saddam assaulted him by knife on right side of his cheek and then Md. Hanjala by fleeing came in his courtyard and in unconsciousness fell down and thereafter the informant alongwith villagers brought him at P.H.C. Babubarhi where he was being treated.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, 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) each with two sureties of



the like amount each to the satisfaction of the learned A.C.J.M.-
V, Madhubani, in connection with Babubarhi P.S. Case No.
91/2016, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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