

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1529 of 2018

Arising Out of PS. Case No.-136 Year-2017 Thana- AMAUR District- Purnia

-
1. Qaisair,
 2. Habibur Rahman,
 3. Sarfaraz @ Md. Sarfaraz
- All are Sons of Md. Hasibur Rahman @Hasibur Rahman,
resident of Village- Babatta, P.S.- Amour, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-01-2018 Heard learned Counsels for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 323, 341, 379, 307,
504 and 506/34 of the Indian Penal Code.

Prosecution case as per the written report of the informant
Md. Rahbar is to the effect that he was taking bamboos on a
tractor for conducting repair work of the road, but on the road
the petitioner no.1, Qaisair put some Jute and when the
informant requested him to remove jute from the road, then he
allowed the petitioner to take tractor over the jute. It is further
alleged that the informant took the tractor, but some of the Jute



got stucked with the wheel of the tractor and the bamboo loaded on it, whereupon, the petitioner Qaisair started abusing and assaulted the informant. In the meantime, the two brothers, namely, Habibur Rahman and Sarfaraz came and they also assaulted the informant. The accused persons also put towel around the neck of the informant to kill him and Qaisair snatched Rs.25000/- from his pocket.

It is submitted by learned counsel for the petitioners that for a petty dispute, the accusation has been levelled. The injury has been found superficial in nature and there is counter version of the occurrence, though subsequent to filing of Complaint Case No.1924 of 2017. 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 learned Counsel for the informant that the petitioner tried to kill the informant by strangulating him.

Considering the occurrence being taken place on 26.09.2017 at 1.30 PM, when the FIR was lodged on 27.09.2017 at 02.15 PM and the accusation is levelled in the background of petty dispute, the injury being found superficial, 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 CJM, Purnia, in connection with Amour P.S. Case No. 136 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

