

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15706 of 2018

Arising Out of PS.Case No. -141 Year- 2015 Thana -GORIAKOTHI District- SIWAN

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1. Jahin Husain @ Dhanu @ Jahir Husain S/o Hasim Main, R/o Village-
Heyatpur, P.S.- G.B. Nagar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Sri Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 06-07-2018

Heard both sides.

The petitioner apprehends his arrest in Goriakothi (G.B. Nagar) P.S. case No. 141/2015 for the offences punishable under Sections, 341, 323, 325, 307, 379, and 504/34 of the Indian Penal Code and later on Section 302 of I.P.C. is added.

The informant alleged that while he was going to deposit money of Sahara India in the bank, a person was standing in the stand and his plastic bag touched with the glass of the Motorcycle of informant. The informant was assaulted by that person and then many person also came there and they assaulted the informant and snatched Rs. 59710/- from the possession of the informant and fled away. The people present there disclosed the name of accused persons as Seraj and Sher Ali of village Hayatpur, P.S. GB Nagar. The informant informed his uncle and thereafter, the informant and his uncle went to the house of Farukh and Hasim where Seraj, Sher Ali, Imtiyaz, Farukh and Hasim Ali assaulted the informant, his brother, Sandip and uncle Swami Nath



Giri.

The learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner figured in the case after 10 months of occurrence in the statement of Sheikh Munna, who is on inimical term with petitioner. It is further submitted that save and except statement of Sheikh Munna there is no material against the petitioner.

Perused the F.I.R and the records.

It appears that Farukh called the informant and then informant, his uncle and brother went there but all the accused persons namely Seraj, Sher Ali, Imtiyaz, Farukh and Hasim Ali began to assault the informant, his brother and uncle. During the course of investigation Sheikh Munna disclosed that petitioner also assaulted Sandeep Giri, brother of the informant. The petitioner is son of Hasim Ali, who is one of the assailants of Swami Nath Giri.

Considering the facts that when informant, his brother and uncle went to the house of Farukh with a view to get back money snatched from the informant all the accused persons brutally assaulted the brother of informant and his uncle, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/Rajan

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