

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27075 of 2018

Arising Out of PS.Case No. -295 Year- 2017 Thana -ARARIA District- ARRARIA

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1. Md. Saharuddin, S/o Late Sayeed @ Dharu,
 2. Md. Ekhlague @ Md. Aknis S/o Md. Saharuddin,
 3. Imtiyaz S/o Md. Saharuddin,
 4. Baharuddin S/o Late Sayeed @ Dharu,
 5. Rifat S/o Md. Saharuddin,
 6. Mazhar S/o Md. Saharuddin,
 7. Moin S/o Late Aley,
 8. Israti W/o Baharuddin,
 9. Bibi Sabia @ Sabia W/o Md. Ekhlague @ Md. Aknis,
 10. Rahmat W/o Late Aley,
 11. Nosar @ Nusrat W/o Rifat,
 12. Sima D/o Md. Saharuddin,
 13. Manjari W/o Tanjir,
 14. Hina @ Hena W/o Moin,
 15. Rahmati W/o Late Kaiyum, All Residents of Vill.- Bochi, P.S.- Araria
(Bairgachhi), District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 03-05-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending his arrest in a case registered for the offences punishable under Sections 323, 341, 354B, 379, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Bibi Jubeda dated 11.05.2017 submitted to the Station House



Officer, Bairgachhi O.P. (Araria), is to the effect that on 08.05.2017 at 8.00 P.M. the brother-in-law of the informant, Nasim was assaulted by Md. Saharuddin, Eklakh, Imtiyaz and Baharuddin. Saharuddin was armed with lathi, Eklakh was armed with Farsa and Baharuddin was armed with bamboo. On alarm being raised, the informant tried to rescue Nasim then Saharuddin caught hold of the hair of the informant and started assaulting her with kick and slap. In the meantime, co-accused Tanjir came and assaulted with sword causing injury on the head of the informant. It is alleged that petitioner no. 1, Saharuddin tore the clothes of the informant and made her semi naked. On alarm of the informant her mother-in-law Halima, sister-in-law Amna and Ajmerun and nephew Sarik came. The mother-in-law Halima was assaulted by Tanjir with sword and sister-in-law Ajmerun was assaulted by petitioner no. 3, Imtiyaz with Farsa causing injury on the head and other sister-in-law Amna was assaulted by Israti, Sima, Nausar and Rahmati and nephew Sarik was assaulted by Rifat, Moin and Majhar. The accused persons also took away Rs.40,000/- cash and jewellery.

It is submitted by learned counsel for the petitioners that the petitioners are the neighbours of the



informant and for a petty dispute the accusation has been levelled. The specific accusation of making assault with sword is against Tanjir, who is not the petitioner before this Court. However, all the injuries of the informant side have been found simple. There is counter version of the occurrence also being Araria (Bairgachhi) P.S. Case No. 307 of 2017 registered under Sections 147, 149, 323, 341, 354, 379, 307 and 504 of the Indian Penal Code lodged by petitioner no. 5 Rifat against the informant side. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the accusation of assault has also been levelled against some of the petitioners.

Considering the accusation against the mob when specific accusation of assault by sword has been levelled against co-accused Tanjir and the injuries have been found simple coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of



Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (Bairgachhi) P.S. Case No. 295 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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