

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74041 of 2018

Arising Out of PS. Case No.-469 Year-2018 Thana- FORBESGANJ District- Araria

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1. Md. Tahir, Son of Late Basruddin.
 2. Md. Sakil, Son of Md. Tahir.
 3. Md. Sadda, Son of Md. Tahir.
 4. Md. Saiful, Son of Md. Tahir.
 5. Md. Sajjad, Son of Md. Kamo. All are Residents of Village- Rampur South, Police Station- Forbesganj, District- Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Mukesh Kumar Rana, Advocate.
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2018 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 147, 149, 341, 342, 323, 307, 354(B), 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 21.06.2018 at about 7.00 A.M., accused persons started fixing peg at the residence of informant and when a protest was raised by the informant, all the accused persons caught hold her and started assaulting her with *Lathi* and *Danda*. Petitioner no. 1 Md. Tahir pulled her down and assaulted her with *Iron rod* on her head as a result, she sustained head injury. When her son Samsher, his



daughters-in-law Aasmin Khatoon and Anwari Khatoon came there in order to rescue her, petitioner no. 2 Sakil and petitioner no. 5 Sajjad after pulling her down, brutally assaulted her daughters-in-law and torn their clothes and other accused persons also came in her house and took away her ornaments.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. 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 C.J.M. Araria, in connection with Forbesganj P.S. Case No. 469 of 2018, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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