

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48550 of 2018

Arising Out of PS.Case No. -216 Year- 2018 Thana -BARARI District- KATIHAR

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1. Mahfuj @ Mahfuj Alam, S/o Late Hazarat Ali,
2. Md. Ziaul @ Ziaul Haque, S/o Late Abid Hussai, Both R/o Vill.- Titbari,
P.S.- Barari, District- Katiahar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-10-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 341, 323, 324, 325, 307 and 354 of the Indian Penal Code.

The prosecution case, in brief, is that in course of returning home, the informant's husband was assaulted brutally by the accused persons. It is also alleged that the accused persons outraged the modesty of daughter of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. There is case and counter case between the parties. The injuries are on non-



vital part of the body. Hence no case u/S 307 of the Indian Penal Code is made out. The injury received by the petitioners' side has not been explained by the prosecution. The prosecution has not come with a clean hand. The alleged occurrence is said to have taken place for a petty reason.

On behalf of the State and the informant, it is submitted that the petitioners are named in the Complaint Case/F.I.R. The petitioners are said to have assaulted the victim. The nature of injury is said to be grievous.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for anticipatory bail of the petitioners in connection with Barari P.S. Case No. 216 of 2018 is rejected.

If the petitioners surrender in the court below, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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