

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9552 of 2019

Arising Out of PS. Case No.-256 Year-2018 Thana- BAUSI District- Purnia

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1. Abdul Majid @ Abdul Mazid, Son of Imam Nazir Hussan,
 2. Jaki Ahmad @ Chaki Ahmad, Son of Imam Nazir Hussan,
 3. Babul, Son of Gulam,
 4. Gulam @ Golam, Son of Ibrahim

All resident of Village - Lautiyabari, P.S. - Baisi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Rajeev Nayan (App 231)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned counsels for the petitioners, the informant and the State.

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

The prosecution case, as per the written report of Md. Najmul Hoda being Panchayat Mukhiya of Tarabari Gram-Panchayat submitted to the Station House Officer, Baisi Police Station, is to the effect that on 20.09.2018, a ward meeting was



held in the premises of Primary School, Lautiabari where Haji Wasik Ahsan was elected as Ward Secretary of Ward No.4. In the meantime, during the meeting, petitioner no.1, Abdul Majid made protest and said that he should be nominated as Ward Secretary and threatened the informant to dissolve the meeting. On 30.10.2018, when the informant was returning from his in-law's house, situated in the village, Tarabari, six accused persons including the petitioners came, put rope around the neck of the informant and tried to strangle him. It is further alleged that all the accused persons torn the clothes of the informant and snatched Rs. 10,000/- from his pocket and also assaulted him with fists and legs, as a result, the informant became unconscious. On alarm being raised by the brother-in-law of the informant, Md. Jamshed, nearby people came, then all the accused persons escaped from the scene.

It is submitted by the learned counsel for the petitioners that in the background of political rivalry, accusation has been levelled against the petitioners. Moreover, the injuries caused to the informant have been found superficial simple in nature and the accusation is omnibus and general in nature against six accused persons including the petitioners. It is further submitted that for the occurrence of 30.10.2018 at 11.00 P.M., the FIR was



registered on 31.10.2018 at 03.30 P.M. 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 there is specific accusation of throttling the informant, against six accused persons including the petitioners.

Considering the delayed lodging of FIR, the accusation of assault against the accused persons including the petitioners does not corroborate by the medical opinion, coupled with the 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/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 like amount each to the satisfaction of learned **C.J.M., Purnia**, in connection with **Baisi P.S. Case No.256 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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