

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11164 of 2019

Arising Out of PS. Case No.-162 Year-2017 Thana- PALASI District- Araria

1. Bibi Refun @ Refun, Wife of Nurulhoda, Resident of Village - Dighli, P.S. Palasi, District - Araria.
2. Md. Yunus @ Yunus, Son of Late Aajam Ali, Resident of Village - Dighli, P.S. Palasi, District - Araria.
3. Nurulhoda, Son of Late Inzaar, Resident of Village - Dighli, P.S. Palasi, District - Araria.
4. Md. Kashim @ Kasim, Son of Bhatku, Resident of Village - Dighli, P.S. Palasi, District - Araria.
5. Md. Nazam @ Nizamuddin, Son of Urfan @ Habba, Resident of Village - Dighli, P.S. Palasi, District - Araria.
6. Muslim, Son of Late Kariya, Resident of Village - Dighli, P.S. Palasi, District - Araria.
7. Md. Amin, Son of Shamsuddin, Resident of Village - Dighli, P.S. Palasi, District - Araria.
8. Barik @ Abdul Bari, Son of Muslim, Resident of Village - Dighli, P.S. Palasi, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 16-05-2019 Learned counsel for the petitioners submits that petitioner no. 3, Nurulhoda, has been arrested by the police, so he seeks permission to withdraw this application with respect to petitioner no.3.

Permission is accorded.

Accordingly, this application is dismissed as



withdrawn with respect to petitioner no.3.

Heard learned counsel for the petitioner nos. 1, 2, 4, 5, 6, 7 and 8 and the learned A.P.P. for the State.

The petitioner nos. 1, 2, 4, 5, 6, 7 and 8 apprehend their arrest in connection with Palasi P.S. Case No. 162 of 2017, registered under Sections 323, 324, 325, 307, 379, 506 and 504/34 of the Indian Penal Code.

The accusation is that Bibi Refun (petitioner no.1) came at the door of the informant, Md. Sakir and started to abuse. When he made protest then Md. Rahmat, Md. Allauddin, Md. Yunush (petitioner no.2) and Nurulhoda (petitioner no.3) having lathi and Farsa in their hand and started to assault him. When Md. Aiyub, father of the informant, rushed to save him then he was assaulted by Md. Rahmat through Farsa causing injury at his head. In the meantime, Md. Nazam (petitioner no.5) and Md. Md. Kashim (petitioner no. 4), Md. Udrfan and Md. Muslim (petitioner no.6), Md. Amin (petitioner no.7) and Md. Barik (petitioner no.8) also came there and participated in the alleged crime. Thereafter, Md. Allauddin, started to assault his brother Md. Sakil through iron rod causing injury at his head.

Learned counsel for the petitioners submits that while petitioners are named in the F.I.R. but no specific overt



act has been attributed against the petitioners. Moreover, the injuries, as found on the person of the injured, are simple in nature, except one injury of forearm of Md. Ayub, i.e., fracture at lower end of radius. In fact, occurrence took place due to petty dispute, in which, petitioners' side also sustained injuries, regarding which, Pasasi P.S. Case No. 161 of 2017 is instituted on the basis of written report of petitioner no.1.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Chief Judicial Magistrate, Araria, in connection with Palasi P.S. Case No. 162 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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