

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21405 of 2019

Arising Out of PS. Case No.-265 Year-2015 Thana- RANIGANJ District- Araria

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1. MD. ISLAM son of Ramjan Mian, Resident of Village- Bhita, P.S.- Raniganj, Dist-Araria.
 2. Md. Naim, son of Md. Islam, Resident of village- Bhita, P.S.- Raniganj, Dist- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-04-2019 Heard both sides.

The petitioners apprehend their arrest in Raniganj P.S. case No. 265 of 2015 registered under Section 307 and other minor Sections of the IPC.

The informant named the petitioners along with Azimuddin and Saddam Hussain and alleged that they all abused the informant. Saddam Hussain assaulted the informant with Farsa on his head. Saddam Hussain gave second blow with farsa which hit on the back of informant. Azimuddin pierced spear in the hand of informant and blood started oozing. Ramjan Mian and Bibi Mayuda Khatoon assaulted the son and wife of informant.

The learned counsel for the petitioners submits that, of course, the petitioners are named in the FIR but specific allegation of assault is made against Saddam Hussain and Azimuddin. Altogether five injuries are found on the person of



informant but all the injuries are opined to be simple in nature. It is further submitted that police after investigation submitted charge sheet under bailable sections but the learned court below differed with the finding of I.O and also took cognizance u/s 307 of the IPC.

Considering the facts that although petitioners are named in the FIR but no specific allegation of assault is made against the petitioners and the informant made specific allegation against Saddam Hussain and Azimuddin, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Araria in connection with Raniganj P.S. case No. 265 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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