

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16613 of 2019

Arising Out of PS. Case No.-332 Year-2018 Thana- DHAMDAHA District- Purnia

1. Md. Samim @ Shamim, Son of Md. Atabur Rahman, Resident of Village-Nirpur Baran, P.S.-Dhamdaha, District-Purnea.
2. Md. Ziyaur Rahman @ Md. Ziyaul @ Tiran, Son of Md. Atabur Rahman, Resident of Village-Nirpur Baran, P.S.-Dhamdaha, District-Purnea.
3. Md. Gulam Rabbani @ Md. Rabban, Son of Md. Ziyaur Rahman @ Md. Ziyaul @ Tiran, Resident of Village-Nirpur Baran, P.S.-Dhamdaha, District-Purnea.
4. Md. Haidar Ali @ Md. Haidar, Son of Md. Ziyaur Rahman @ Md. Ziyaul @ Tiran, Resident of Village-Nirpur Baran, P.S.-Dhamdaha, District-Purnea.
5. Md. Abrar Ahmad @ Abrar, Son of Hafzul Rahman, Resident of Village-Nirpur Baran, P.S.-Dhamdaha, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr. Rajesh Kumar Singh, Advocate
for the informant	:	Mr. Amit Kumar Anand, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 20-06-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dhamdaha P.S. Case no. 332 of 2018, registered under Sections 147, 149, 341, 342, 323 and 302 of the Indian Penal Code.

The accusation is that after measurement of the land, nine persons named in the F.I.R., including the petitioners, reached at the filed for ploughing saying that the



measurement is wrong, when informant and Wakil Sah, husband of informant, made protest then Md. Akram laid to Wakil Sah on the ground putting hand on the nose and mouth. Thereafter, Md. Anamul Haque sat on his chest and started to throttle and Babita Devi and Nanhaki Devi started to press his neck. At that time, all the accused persons assaulted him by fist and slaps as a result, husband of the informant died on the spot.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that specific allegation of causing injury is against Md. Akram, Md. Anamul Haque, Babita Devi and Nanhaki Devi, but petitioners being the family members of Md. Akram have falsely been implicated in this case. Moreover, there are allegation of causing injury to the husband of the informant by means of fist and slaps, but no external injury was found. In the Postmortem the cause of death shown as throttling, which is against the Md. Anamul Haque.

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 four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate,



Purnea in connection with Dhamdaha P.S. Case No. 332 of
2018, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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