

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80143 of 2018

Arising Out of PS. Case No.-196 Year-2018 Thana- DAGARUA District- Purnia

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1. Md. Mozaffar @ Md. Mozaffar Hussain, S/o Shahabuddin
2. Md. Shamim @ Md. Shamim Akhtar, S/o Idris
3. Md. Ejaz @ Md. Ejaz Alam, S/o Riyazuddin,
All resident of village Gerki, P.S. Ragarua, District Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shabbir Ahmad
For the Respondent/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-01-2019 Learned counsel for the petitioners submits that petitioner No.2, Md. Shamim @ Md. Shamim Akhtar has been arrested during the pendency of this anticipatory bail petition and thus, the anticipatory bail petition of petitioner No.2, Md. Shamim @ Md. Shamim Akhtar has become infructuous. Accordingly, the same is dismissed as has become infructuous.

Heard both sides.

The petitioners apprehend their arrest in Dagarua P.S. Case No.196 of 2018 registered under Sections 307 and other Sections of the Indian Penal Code.

The informant named the petitioners and other accused persons and alleged that they all having armed with different weapons came and surrounded the informant. Master



Belal took out Rs.25,350/- from his pocket and he also assaulted him with iron rod on his head. The informant fell down on the ground. When his father, mother and wife came to save him, on the order of Belal, Wasim assaulted his father with sword on head. Petitioner No.1 assaulted mother of informant with fist and slab and Shamim and Md. Ezaz, petitioner No.2 and 3 are alleged to have striped the cloths of wife of the informant.

The learned counsel for the petitioners submits that there is case and counter-case. From the side of the petitioners, Dagarua P.S. Case No.198 of 2018 has been registered. There is a dispute between two sides on account of toilet. The petitioners are not alleged to have assaulted any persons with any weapon. Md. Mozaffar, petitioner No.1 is alleged to have assaulted the mother of the informant with fist and slab but mother of the informant did not sustain any injury. Md. Ezaz and Shamim are alleged to have striped the cloths of the wife of the informant.

Learned counsel for the informant opposed the prayer for anticipatory bail but could not able to show any specific overt act alleged against the petitioners.

Considering the aforesaid facts, let the petitioner Nos.1 and 3, above named, in the event of their arrest or surrender before the court below within a period of four weeks



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Dagarua P.S. Case No.196 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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