

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23826 of 2019

Arising Out of PS. Case No.-460 Year-2018 Thana- BAHADURPUR District- Darbhanga

1. MD. CHOTE S/o- Md. Muslim R/o- Village- Asgaon, P.S.- Bahadurpur, District- Darbhanga.
2. Md. Alauddin S/o- Md. Ramjani R/o- Village- Asgaon, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-04-2019 Heard both sides.

The petitioners apprehend their arrest in Bahadurpur P.S. case No. 460 of 2018 registered under Section 147, 148, 149, 447, 341, 323, 324, 504, 509, 307 of the IPC.

The informant alleged that on 18.10.2018 in the evening she goat of Md. Chote was grazing in the field of her father-in-law, Md. Ainul. Md. Ainul chided Mina Khatoon, daughter of Md. Chote. On the same day at nine in the night Md. Chote, petitioner No.1, Md. Alaudin, petitioner No.2, Md. Ramjani, Md. Sabir, Md. Kabir, both sons-in-law of Md. Chote, Md. Fulo, father-in-law of Allaudin, Md. Rabbani, Fatima, Hasina, having armed with different weapons, came and began



to abuse. Md. Chote assaulted Ainul with iron rod on his head. When he fell down on the ground other accused persons also assaulted him. When husband of informant. Md. Ejaj, came to save Md. Allaudin assaulted him with blunt portion of Farsa on his head. Md. Alaudin, Ramjani, Sabir, Fulo, Rabbani, Fatima, Hasina, Guriya and others also assaulted her husband and father-in-law.

The learned counsel for the petitioners submits that the occurrence took place on 18.10.2018 but the informant gave her written statement on 17.10.2018 on the basis of which the FIR was lodged on 20.10.2018 but the same was sent to court on 26.10.2018. Prior to institution of the present case on the statement of Md. Chote Bahadurpur P.S. case No. 458 of 2018 was registered on 19.10.2018 u/s 307 and other Sections of the IPC against Ainul, Ejaj and others. Md. Chote got grievous injury on his chest on account of assault made by Ainul, Ejaj and others. It is further submitted that present case is counter blast of the case lodged by the side of petitioners. From the perusal of injury report of Ainul and Ejaj it would appear that Ainul got one lacerated wound on forehead, which is simple in nature. Ejaj also got one superficial injury on right parietal region caused by hard and blunt object but the injury is simple



in nature. It is submitted that Md. Chote is own brother of Ainul, father-in-law of informant.

Taking into consideration the facts aforesaid and the fact that both sides entered into mutual assault on each other on account of grazing of she goat and the injuries sustained by Ainul and Ejaj are simple in nature, 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, Darbhanga in connection with Bahadurpur P.S. case No. 460 of 2018., subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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