

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26473 of 2019

Arising Out of PS. Case No.-599 Year-2018 Thana- NAWADA District- Nawada

1. Md. Allauddin Son of Md. Moinuddin Resident of Village - Takiyapar, P.S.- Bundelkhand, Distt - Nawada.
2. Md. Azad Son of Md. Allauddin. Resident of Village - Takiyapar, P.S.- Bundelkhand, Distt - Nawada.
3. Md. Azam @ Md. Nazam Son of Md. Salim Resident of Village - Takiyapar, P.S.- Bundelkhand, Distt - Nawada.
4. Md. Salim Mistry @ Md. Salim Son of Md. Adis Resident of Village - Takiyapar, P.S.- Bundelkhand, Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

4 25-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Nawada Town (Bundelkhand) P.S. Case no. 599 of 2018, registered under Sections 447, 448, 341, 323, 427, 308 and 379/34 of the Indian Penal Code.

Over quarrel among the children of both the sides, when the informant went to the house of petitioner no.1 Md. Allauddin to make complain regarding the aforesaid occurrence, all the accused persons abused the informant. On



the following day, all the five named accused persons including the petitioners armed with pistol, rod and hockey stick intruded into the house of the informant breaking open the door and on protest made by him, Md. Salim Mistri and Md. Pintu assaulted him by means of hockey stick. When his nephew Md. Rizwan and cousin Md. Javed rushed in his rescue, petitioner no.1 Md. Allauddin assaulted on the head of Md. Javed by means of rod inflicting head injury to him and Md. Pintu assaulted him by means of hockey stick. Md. Salim Mistri and Md. Pintu also assaulted Md. Rijwan by means of hockey stick. They also committed heist of ornaments from his house.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. As a matter of fact, petitioner no.1 Md. Allauddin has lodged Nawada Town (Bundelkhand) P.S. Case No. 593 of 2018 against the sons of the informant and others on 24.08.2018 and to save skin from the said case informant has lodged this false and frivolous case against the petitioners. Barring Md. Javed, there is no other injured in the case. Petitioners have no criminal antecedent. Hence they may be enlarged on bail.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that there is



specific allegation against the petitioner Md. Allauddin of assaulting on the head of Md. Javed by means of iron rod inflicting head injury to him and doctor has also found head injury on the person of the aforesaid victim and has opined the said injury as grievous in nature. Hence he does not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 Md. Allauddin on bail. Prayer for bail of petitioner no.1 Md. Allauddin is rejected.

However, petitioner no.1 Md. Allauddin is directed to surrender before the learned court below within six weeks from today and seek regular bail and the learned court below shall dispose of the bail petition of the petitioner no.1 Md. Allauddin in accordance with law without being prejudiced by this order.

So far as petitioner nos. 2, 3 and 4 are concerned, they are directed to be enlarged 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 C.J.M., Nawada in connection with



Nawada Town (Bundelkhand) P.S. Case No. 599 of 2018,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

Accordingly, this petition is disposed of.

(Prakash Chandra Jaiswal, J)

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