

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29840 of 2019

Arising Out of PS. Case No.-333 Year-2018 Thana- BAHADURGANJ District- Kishanganj

1. Abdul Rashid @ Banthu Master @ Abdur Rashid, Aged about 60 years, Male, S/o Late Masiruddin, R/o village- Kathalbari, P.S.- Bahadurganj, District- Kishanganj
2. Manzar Alam, Aged about 35 years, Male, S/o Late Quamrul Hoda, R/o village- Kathalbari, P.S.- Bahadurganj, District- Kishanganj
3. Manzoor Alam, Aged about 30 years, Male, S/o Late Quamrul Hoda, R/o village- Kathalbari, P.S.- Bahadurganj, District- Kishanganj
4. Sarwar Alam, Aged about 25 years, Male, S/o Late Quamrul Hoda, R/o village- Kathalbari, P.S.- Bahadurganj, District- Kishanganj
5. Rizwan Alam @ Md. Rizwan, Aged about 19 years, Male, S/o Abdul Rashid @ Banthu Master, R/o village- Kathalbari, P.S.- Bahadurganj, District- Kishanganj
6. Reza Alam @ Md Hasan Raza @ Hassan Raza, Aged about 23 years, Male, S/o Abdul Rashid @ Banthu Master, R/o village- Kathalbari, P.S.- Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State as well as learned counsel appearing on behalf of the informant.

Petitioners apprehend their arrest in Bahadurganj P.S. Case No.333 of 2018, registered under Sections 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

The informant, Anwar Alam, named 14 persons and



alleged that the named 14 persons with some unknown persons came to the ancestral land of the informant and started ploughing the land. When the informant and others, namely, Ansar Alam, Samiruddin and Nawazuddin went to protest, accused Anwar Alam, son of late Md. Kalu is said to have assaulted the informant and other accused persons are also alleged to have assaulted the informant with iron rod and other weapons.

Learned counsel for the informant drew the attention of the Court that it was Anwar Alam who is said to have assaulted Anwar Alam and no other accused persons are alleged to have assaulted the informant and others but it appears that the informant named Anwar Alam, son of late Md. Kalu as the assailant but Anwar Alam, son of late Md. Kalu is the informant himself. The learned counsel for the informant was requested to clarify the name of the person who assaulted the informant, the learned counsel for the informant submits that it has nowhere come in the FIR or in the case diary as to who assaulted the informant causing injury on his head. It appears that one injury was found on the head of the informant which is opined to be simple in nature by the doctor who examined the informant but later on the Medical Officer, Incharge of PHC, gave second



opinion with regard to nature of injury and opined the same to be grievous only on account of the fact that the injury was found on head. Although on X-ray no bony lesion was found on the head of the informant. The petitioners are of course named in the FIR but no specific allegation of assault is made against the petitioners.

Considering the facts aforesaid, let petitioners, 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 this order, be enlarged on bail 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., Kishanganj in connection with Bahadurganj P.S. Case No.333 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

