

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37185 of 2019

Arising Out of PS. Case No.-713 Year-2017 Thana- FORBESGANJ District- Araria

1. Md. Chunna @ Mohtasim, Aged about 20 years, Male, S/o Nasim, R/o village Jhirua West, Ward No. 12, P.S. Simraha (Forbisganj), District Araria.
2. Md. Munna @ Najim, Aged about 23 years, Male, S/o Nasim, R/o village Jhirua West, Ward No. 12, P.S. Simraha (Forbisganj), District Araria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-06-2019 Heard both sides.

Petitioners apprehend their arrest in Forbisganj (Simraha) P.S. Case No.713 of 2017, registered under Sections 448, 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

The informant named four persons, namely, Md. Shamim, Nasim, Md. Munna, petitioner no.2 and Md. Chunna, petitioner no.1 and alleged that they all assaulted the informant. During the course of assault, Md. Shamim assaulted the informant with farsa on his head and on right side of his eye. When younger brother Mir Salauddin came to save the informant, the accused persons also assaulted him on his leg. The accused persons also took away different articles from the house of the informant.

Learned counsel for the petitioners submits that there is



a civil dispute between the two sides. The police after investigation submitted final form finding the case false against both the petitioners. Only case was true against Md. Shamim and Md. Nasim. Md. Nasim has already been granted anticipatory bail vide order passed in Cr. Misc. No.25191 of 2018. The case of the petitioners stands on better footing.

Taking into consideration the facts that no specific allegation of assault is made against the petitioners and the police after investigation submitted final form finding the case false against the petitioners, 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., Araria in connection with Forbisganj (Simraha) P.S. Case No.713 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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