

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56289 of 2018

Arising Out of PS. Case No.-437 Year-2017 Thana- RUPASPUR District- Patna

1. Md. Ishteyaq S/o Md. Shafique, R/o Dhanaut, P.S.- Rupaspur, District-Patna.
2. Md. Faiyaz S/o Md. Kalimullah, R/o Dhanaut, P.S.- Rupaspur, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Sri Abhay Kumar - 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 08-03-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504/34 and 325 of the IPC.

The prosecution case as per the Fardbeyan of one Gulam Rasul Ansari recorded by the S.I. of Police Indu Kumari on 22.11.2017 at J.P.N. Hospital, Rajbanshinagar, is to the effect that on the same day at 8.41 A.M., the petitioner Md. Faiyaz knocked the door of the informant and made protest for assaulting the children. The informant denied the fact of assaulting his children, upon which, the petitioner Md. Faiyaz assaulted the informant with rod causing injury on the leg of the



informant and further assaulted with fists and slaps. It is alleged that the petitioners and co-accused Md. Nasiruddin pushed the informant from the roof, as a result, he received fracture injury.

It is submitted by learned counsel for the petitioner that for the petty issue, the occurrence took place between the parties and the accusation of pushing the informant from the roof is against all the three accused persons including the petitioners. It is further submitted that the accusation was misinterpreted before the learned Court below and the learned Additional Sessions Judge-VII, Danapur granted bail to one of the co-accused Md. Nasiruddin.

It is submitted by learned APP that informant received two injuries and the accusation against the petitioners is specific.

Though specific accusation of assault on leg of the informant is against petitioner no. 2 Md. Faiyaz but considering the fact that the accusation of pushing the informant from the roof is against all the accused persons including the petitioners and without looking into the accusation, learned court below granted bail to one of the co-accused Md. Nasiruddin, this Court is not inclined to grant anticipatory bail to the petitioners. However, let the learned court below consider the prayer of the petitioners for regular bail in case the



petitioners surrender within six weeks in connection with
Rupaspur P.S. Case No. 437 of 2017 pending in the Court of the
learned ACJM II, Danapur.

With the aforesaid observation/direction, this
application is disposed of.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

