

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74124 of 2018

Arising Out of PS. Case No.-194 Year-2018 Thana- KATIHAR MUFFASIL District- Katihar

1. Md. Maquabul @ Santu S/o Late Jamiruddin
2. Md. Sonu S/o- Md. Maquabul, Both are R/o- Khorwa, P.S.- Muffasil, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Smt. Sahin Begam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-01-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 448,323,379,354B,385 and 506/34 of the IPC.

The prosecution case as per the written report of Mosmat Meena Khatoon submitted to the SHO, Katihar Mufassil Police Station is to the effect that co-accused Md. Faruk and Md. Muslim demanded extortion of Rs.50,000/- from the son of the informant and when he expressed his inability, then on 22.8.2018 at 8.30 P.M., fifteen accused persons including the petitioners came variously armed and on the order of Md. Muslim (non-petitioner), co-accused Md. Faruk assaulted with iron rod on the head of Md. Jamshed causing bleeding injury.



When other son of the informant came to rescue then Md. Jubair assaulted him with rod. It is alleged that the petitioner no. 1 assaulted with lathi on the shoulder of the son of the informant, causing fracture injury. It is further alleged that co-accused Md. Ibrar entered into the house of the informant's son Jamshed and took out Rs.12000/- and Md. Muslim dragged the informant. Thereafter the other co-accused persons also assaulted the informant and her family members.

It is submitted by learned counsel for the petitioners that there is no specific accusation against petitioner no. 2, however, against petitioner no. 1 there is accusation of assault causing grievous injury but the impugned order suggests that the injury has been found to be simple in nature. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against petitioner no. 1. Moreover, other accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 75633 of 2018

Considering the accusation, particularly against petitioner no. 1 not being corroborated by the medical opinion, let the petitioners above named be released on anticipatory bail



in the event of arrest or surrender within 12 weeks 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 CJM,
Katihar in connection with Mufassil P.S. Case No.194 of 2018
subject to the conditions laid down in Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

