

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53189 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- BARHARIA District- Siwan

1. Gufran Ahmad S/o- Late Subhan Ahmad, Resident of Village- Paharpur, P.S.- Barharia, District- Siwan.
2. Ziyaul Haque @ Sonu S/o- Gufran Ahmad, Resident of Village- Paharpur, P.S.- Barharia, District- Siwan.
3. Zulfekar Ahmad @ Zulfiquar Ali S/o - Gufran Ahmad, Resident of Village- Paharpur, P.S.- Barharia, District- Siwan.
4. Akhlak Ahmad S/o- Gufran Ahmad, Resident of Village- Paharpur, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-08-2019 Heard both sides.

Petitioners apprehend their arrest in Barharia P.S.

Case No.144 of 2019 registered under Sections 307, 379 and
other sections of the Indian Penal Code.

The informant alleged that Gufran Ahmad (petitioner no.1), Ziyaul Haque (petitioner no.2), Zulfekar Ahmad (petitioner no.3), Akhlak Ahmad (petitioner no.4) and Faiyaz Ahmad came and began to abuse the informant. On the order of Gufran Ahmad, Zulfekar Ahmad assaulted the informant with farsa which hit on the head of the informant. Ziyaul Haque



assaulted the informant with iron rod which hit on the back of the informant. Faiyaz Ahmad assaulted Murad Ali (nephew of the informant) with knife on his head.

Learned counsel for the petitioners submits that there is a case and counter case. The informant is alleged to have been assaulted by Zulfekar Ahmad with farsa on his head and Ziyaul Haque assaulted the informant with iron rod on his back.

From the injury report, it would appear that the informant got simple injury. Murad Ali (nephew of the informant) also got simple injury. The assailant of Murad Ali (nephew of informant) is Faiyaz Ahmad, who is not the petitioner here. From the side of petitioners, Barharia P.S. Case No.145 of 2019 is registered in which informant Gufran Ahmad (petitioner no.1 here) got grievous injury.

Learned counsel for the informant and learned A.P.P. vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the informant was referred to P.M.C.H but the report of P.M.C.H. is not brought on record nor produced before the District Hospital, Siwan that is why the doctor, who treated the informant at Siwan Hospital gave opinion that the informant got simple injury. It is submitted that the doctor at P.M.C.H. found the injury on the head of the



informant to be grievous in nature.

It appears that the informant was treated at Siwan Hospital but no report was submitted about the informant being treated at P.M.C.H. and accordingly the doctor issued injury report on 29.06.2019 i.e. only after more than one and half months of the occurrence and opined that the injuries sustained by the informant are simple in nature.

Having considered the facts that on account of land dispute, there is a case and counter case and both sides received injuries on mutual assault made by each other, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Barharia P.S. Case No.144 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

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

