

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55207 of 2019

Arising Out of PS. Case No.-4 Year-2019 Thana- SHRI NAGAR District- Madhepura

1. MD. HASIB S/o Md. Sajir, Resident of Village- Laxmipur Bhagwati, Ward No. 13, P.S.- Srinagar, District- Madhepura.
2. Md. Yusuf S/o- Late Md. Riyasat, Resident of Village- Laxmipur Bhagwati, Ward No. 13, P.S.- Srinagar, District- Madhepura.
3. Md. Rahman S/o- Md. Sajir, Resident of Village- Laxmipur Bhagwati, Ward No. 13, P.S.- Srinagar, District- Madhepura.
4. Md. Kailu @ Ziyabul @ Md. Ziyabul S/o- Md. Israfil, Resident of Village- Laxmipur Bhagwati, Ward No. 13, P.S.- Srinagar, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-09-2019 Heard both sides.

Petitioners apprehend their arrest in Srinagar P.S.

Case No.04 of 2019 registered under Sections 341, 323, 324,
325, 307, 504, 506 and 34 of the Indian Penal Code.

The informant named altogether ten accused persons including the petitioners and alleged that they having armed with different weapons came and on the order of Md. Sajir, Md. Nizam assaulted Md. Irshad Ansari (son of the informant) with farsa on his head and other accused persons assaulted the informant and his son with stick and iron rod. It is further



alleged that when Sultan Ansari (brother of the informant) and Julfkar Ansari came to save, Md. Nazam assaulted with farsa on the head of Sultan Ansari and Md. Hasib (petitioner no.1) assaulted Sultan Ansari with iron rod on his wrist. All other accused persons indiscriminately assaulted Md. Ibrar.

Learned counsel for the petitioners submits that save and except, petitioner no.1, Md. Hasib, who is alleged to have assaulted Sultan Ansari with iron rod on his wrist, there is no specific allegation of assault against the petitioners. There is a case and counter case.

From perusal of the injury report, it would appear that Sultan Ansari got two injuries; one is attributed to Md. Nazam and another found on the wrist is attributed to petitioner no.1. Sultan Ansari except two injuries did not get other injury. Similarly, Md. Irshad Ansari (son of the informant) got two injuries but both injuries are simple in nature.

Having considered the facts and the nature of allegations made against the petitioners and the fact that both sides picked up a quarrel and they made assault on each other and the fact that there is a case and counter case, 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 J.M. 1st Class, Madhepura in connection with Srinagar P.S. Case No.04 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	
---	--	---	--

