

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61394 of 2019

Arising Out of PS. Case No.-204 Year-2018 Thana- LAURIA District- West Champaran

1. JALAUDDIN MIAN Son of Kalam Mian
 2. Salauddin Mian Son of Kalam Mian
- Both are resident of Village-Gokhula, P.S-Lauriya, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-10-2019 Heard both sides.

The petitioners apprehend their arrest in Lauriya P.S.
Case No.204 of 2018 registered under Sections 147, 148, 149,
323, 324, 379, 447 of the Indian Penal Code.

Md. Imteyaz named five persons including two
petitioners(Jalauddin Mian and Salauddin Mian). Jalauddin
Mian is alleged to have assaulted the informant with farsa on his
right temporal region and Salauddin Mian is alleged to have
assaulted the informant with piece of bricks on his right eye
region.

The learned counsel for the petitioners submits that
petitioners are innocent. There is a counter version. Occurrence



took place due to quarreling of the children of the family of the petitioners and informant. From the side of the petitioners also, Nazara Khatoon, Jalauddin Mian and Salauddin Mian got injuries. Of course, the injuries are simple in nature, therefore, the petitioner deserves anticipatory bail but it appears from perusal of the injury report that on account of assault made by Jalauddin, one lacerated wound is found on the temporal region of the informant and the injury opined to be simple in nature but on account of assault made by Salauddin Mian(petitioner No.2) with piece of bricks, the injury is opined to be grievous in nature on the account of fracture of zygomatic bone.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.2(Salauddin Mian) on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner No.1(Jalauddin Mian) is concerned, the injury caused by him is simple in nature and there is a counter version and both sides entered into scuffle and assault on each other on account of some petty dispute with regard to quarreling of children.

Taking into consideration the facts aforesaid, let the petitioner No.1(Jalauddin Mian) in the event of his arrest or surrender before the court below within a period of four weeks



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. I, Bagaha, West Champaran in connection with Lauriya P.S. Case No.204 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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