

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60649 of 2019

Arising Out of PS. Case No.-62 Year-2019 Thana- UCHKAGAON District- Gopalganj

1. KEYAMUDDIN @ KEYAMUDDIN MANSURI @ KIYAMUDDIN Son of Feku Mian
 2. Kitabuddin Mian @ Kitabuddin Miyan Son of Feku Mian
 3. Samsuddin Mian @ Samsuddin Miyan Son of Razzak Mian
 4. Feku Mian Son of Late Kismat Mian
 5. Saira Khatoon Wife of Nasruddin Mian
- All are resident of Village - Dahibhata Takiya Tola, P.S.- Uchakagaon, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-10-2019 Heard both sides.

The petitioners apprehend their arrest in Uchakagaon P.S. Case No.62 of 2019 registered under Sections 341, 323, 324, 308, 504, 506/34 of the Indian Penal Code.

The informant alleged that his mother was abusing without naming anybody but his neighbours, Keyamuddin, Kitabuddin, Samsuddin Mian, Feku Mian and Saira Khatoon(all petitioners) having armed with different weapons came and assaulted his mother. The informant and Haseena Parveen went to save but the accused persons assaulted the informant and



Haseena Parveen. Keyamuddin stabbed the informant with knife on his head. The informant became unconscious.

The learned counsel for the petitioners submits that there is a counter version being Uchakagaon P.S. Case No.61 of 2019. There is no apparent injury on the person of the mother of the informant and the informant got one cut injury on center of his head but injury opined to be simple in nature.

It appears from the facts that there is a case and counter case. Both sides were engaged in mutual assault on each other. The informant alleged that all the accused persons assaulted him with lathi and other weapons but only Keyamuddin(petitioner No.1) is said to have stabbed the informant with knife on his head and only one injury was found on the head of the informant.

Taking into consideration the facts aforesaid that there is no specific allegation of assault against petitioner Nos.2, 3, 4 and 5, petitioner No.2(Kitabuddin Mian @ Kitabuddin Miyan), petitioner No.3(Samsuddin Mian @ Samsuddin Miyan), petitioner No.4(Feku Mian) and petitioner No.5(Saira Khatoon) in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IX, Gopalganj in connection with Uchakagaon P.S. Case No.62 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner No.1(Keyamuddin @ Keyamuddin Mansuri @ Kiyamuddin) is concerned, there is very specific allegation that he stabbed the informant with knife on his head and one cut injury was found on the head of the informant. The doctor opined the injury simple only on account of the fact that the injured could not produce the C.T. Scan report but the fact remains that one 5"x1" cut injury was found on the center of the head of the informant and the petitioner No.1 is the author of the injury.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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