

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57020 of 2019

Arising Out of PS. Case No.-168 Year-2018 Thana- PIPRAKOTHI District- East Champaran

Afroj Mian @ Afroj Ansari, Aged about 19 years, Male, Son of Hasmuddin Ansari, Resident of Village Surujpur, Koeriya Tola, P.S. Pipra, District East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2019 Heard both sides.

The petitioner apprehends his arrest in Pipra Kothi P.S. Case No.168 of 2018, registered under Sections 307, 380, 354 and other minor sections of the Indian Penal Code.

The informant Alam Miyan named altogether 11 persons including the petitioner and alleged that they all having armed with different weapons came to his door and began to abuse. Md. Sagir exhorted and on such Soheb Akhtar assaulted the informant with spear which hit just below his nose. When Shayara Khatoon, the wife of the informant came to save, Sagir Miyan assaulted her with farsa on her head. She fell down on the ground. Shabnam Khatoon dragged the wife of the informant. Rajuddin Ansari, the younger brother of the informant came but Sohrab Miyan assaulted him with farsa which hit on his head and all the accused persons assaulted him



with fists and slaps. When Kalamuddin Ansari, another brother of the informant came, Rustam Miyan inflicted dagger blow on Kalamuddin Ansari on different parts of his body. Mazhar Alam, the brother of the informant also came there but Nayeem Alam assaulted him with iron rod. Samiya Khatoon was assaulted by Haliya Khatoon.

It appears that the petitioner is of course named in the FIR but no allegation of assault is made against the petitioner. The informant made specific allegation of assault against other accused persons.

Taking into consideration the fact that save and except the fact that the petitioner is named in the FIR, there is no allegation of assault against the petitioner, let petitioner, above named, 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 enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., East Champaran, Motihari in connection with Pipra Kothi P.S. Case No.168 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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