

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58945 of 2019

Arising Out of PS. Case No.-595 Year-2019 Thana- FORBESGANJ District- Araria

1. Md. Musfique @ Md. Mosfique, Son of Md. Khurshed @ Md. Khursid Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.
2. Md. Soaib, Son of Wasil @ Wajid Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.
3. Md. Shahnawaj @ Md. Sahwaj, Son of Md. Wasil @ Wajid Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.
4. Md. Wasil @ Wajid, Son of Hafiz Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.
5. Md. Khurshed @ Md. Khursid, Son of Hafiz Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.
6. Md. Nawaj @ Manaz @ Nawaz Son of Md. Wasil @ Wajid Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.
7. Bibi Nasrin @ Nasrin, W/o Shahnawaj @ Md. Sahwaj Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.
8. Talat Khatoon @ Talat Ara, W/o Md. Khurshed @ Khursid Resident of Village - Gogi Pothia, Ward No.14, P.S.- Simraha, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 27-11-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 448, 341, 323, 324, 325, 307, 379, 354B, 504 and 506/34 of the IPC.

The prosecution case is to the effect that all the FIR named



accused persons including the petitioners came variously armed and started damaging the temporary road approaching to the hutment of the informant. On protest being made, all the accused persons including the petitioners started assaulting the informant with lathi. It is specifically alleged that when the brother-in-law of the informant came to rescue her, petitioner no.2, Md. Soaib assaulted him with farsa causing injury on his lip, as a result, he became unconscious when petitioner no.2 also took away cash amount of Rs. 2,500/- from his pocket. It is further alleged that when the sister-in-law of the informant came to rescue her, then she was assaulted by petitioner no.3, Md. Sahnawaz with iron rod.

It is submitted by learned counsel for the petitioners that petitioners are the neighbour of the informant and in the background of earlier land dispute, the accusation has been levelled against the petitioners. It is further submitted that the injury has been found simple and there is counter version of the occurrence also, being Forbesganj (Simraha) P.S. Case No. 607 of 2019. Moreover, the informant has retracted from her initial version and has also filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any



criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the genesis of the occurrence, a counter case being filed by the petitioners' side and the injury being found simple, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 595 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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