

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68466 of 2019

Arising Out of PS. Case No.-129 Year-2019 Thana- ABADPUR District- Katihar

1. MUJAHID son of Gulam Mustafa Resident of Village - Bhawanipur, P.S.- Abadpur, District- Katihar
2. Shakil @ Md. Shakila Son of Tasiruddin Resident of Village - Bhawanipur, P.S.- Abadpur, District- Katihar
3. Salauddin @ Salaluddin Son of Tasiruddin Resident of Village - Bhawanipur, P.S.- Abadpur, District- Katihar
4. Hussain Son of Abdul Jabbar Resident of Village - Bhawanipur, P.S.- Abadpur, District- Katihar
5. Suleman @ Soleman Son of Tofil Haji Resident of Village - Bhawanipur, P.S.- Abadpur, District- Katihar
6. Md. Noor Akhtar @ Noor Akhtar Son of Hussain Resident of Village - Bhawanipur, P.S.- Abadpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-11-2019 Heard both sides.

The petitioners apprehend their arrest in Abadpur P.S. case No. 129 of 2019 registered under Section 341, 323, 307, 354(b), 504, 506, 379/34 of the IPC.

The informant, Manjur Alam, alleged that the accused persons came and complained about damage of paddy crops. When the informant objected, Gulam Mustafa assaulted him with sword on his head. Anisur Rahman, elder brother of the



informant, came to save. Mubark is alleged to have assaulted Anisur Rahman with Farsa on his head. The informant and his elder brother fell down becoming unconscious. When the family members of the informant came to save, Mujahid, petitioner No.1, Hussain, petitioner No.4, Noor Akhtar, petitioner No.6, Suleman, petitioner No.5, Sabir and Tasirrudin are said to have assaulted the family members of the informant and the family members of the informant got injuries. It is further alleged that Shakil, petitioner No.2, and Salauddin, petitioner No.3, snatched money from the pocket of the informant. Hussain, petitioner No.4, and Mujahid, petitioner No.1, stripped clothes of the body of the mother of informant. Nagma Khatoon and Beby Khatoon assaulted mother of the informant and snatched chain made of gold.

The learned counsel for the petitioners submits that informant, Manjur Alam, and his brother, Anisur Rahman, got grievous injuries on their head. Gulam Mustafa and Mubarak are assailants of Manjur Alam and Anisur Rahman. Gulam Mustafa and Mubarak are not petitioners here. Omnibus and general allegation is made against the petitioners that the petitioners assaulted the family members of the informant but the family members of the informant got simple injuries. There



is counter version being Abadpur P.S. case No. 128 of 2019 and from the side of petitioners many persons got injuries. This facts itself shows that both sides on account of damage of paddy crops entered into mutual assault on each other.

The learned counsel for the informant as well as the learned APP opposed the prayer for anticipatory bail of the petitioners and submitted that Manjur Alam and Anisur Rahman got grievous injuries on their head.

It appears from the FIR and the injury report that Gulam Mustafa assaulted Manjur Alam with sword. Manjur Alam got only one injury which is incised wound on head and the injury is opined to be grievous in nature. Mubarak assaulted Anisur Rahman, elder brother of the informant. Anisur Rahman got one incised wound on his head, author of which is Mubarak who assaulted him with Farsa. Anisur Rahman got two other injuries which are abrasions and simple in nature.

Taking into consideration the facts that petitioners are not the assailants of the informant and his elder brother, who got grievous injures, and there is counter version, the petitioners, above named, in the event of their arrest/ surrender before the 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 their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar in connection with Abadpur P.S. case No. 129 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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