

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75169 of 2018

Arising Out of PS. Case No.-210 Year-2018 Thana- SHAMBHUGANJ District- Banka

1. Md. Naushad Alam, Son of Late Bhuto,
2. Md. Shamsi, Son of Md. Firoz,
3. Md. Firoj, Son of Md. Shamsi,
4. Md. Afroj @ Affo, Son of Md. Shamsi,
5. Md. Ujala @ Md. Mjale @ Md. Ujale, Son of Md. Pappu, All resident of Village- Mahthudih (Belari), Police Station- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najmul Hodda

For the Opposite Party/s : Mr. Murlidhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 11-01-2019 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Md. Nizam, submitted to the SHO, Shambhuganj Police Station is to the effect that on 13.09.2018 at about 6.00 A.M., Md. Naushad Alam, petitioner no.1 came to the house of the informant and started abusing him. On protest being made, he assaulted with lathi on the left hand of the informant. Thereafter, when the daughter and wife of the informant came to rescue, they were also assaulted by all the accused persons.



It is submitted by learned counsel for the petitioners that though seven persons received injury from the informant's side, but all the injuries are found to be simple in nature, except one injury caused below the left ear of the informant. It is further submitted that only specific accusation of assault is against petitioner no. 1, Md. Naushad Alam, of causing injury below the left ear of the informant, for which, the opinion has been kept reserved. It is further submitted that there is a counter version of the case being Shambhuganj P. S. Case No. 209 of 2018, in which several persons from the petitioner's side have also received injuries. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that seven persons from the informant's side received injuries in the assault.

Considering the fact that the accusation is omnibus and general in nature against thirteen accused persons and there is a counter version of occurrence, coupled with 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 or surrender before the learned Court below within a



period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Banka** in connection with **Shambhuganj P.S. Case No.210 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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