

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10669 of 2020

Arising Out of PS. Case No.-179 Year-2019 Thana- POTHIA District- Kishanganj

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1. Rafijul alias Md. Rafijul Haque Aged about 38 years Male Son of Gyasuddin
 2. Riyajul alias Md. Riyajul Haque Aged about 40 years Male Son of Gyasuddin
 3. Md. Sarfuddin alias Sarfuddin Aged about 50 years Male Son of Dhanbar Ali
 4. Rahila Khatoon alias Rahila Aged about 40 Years female Wife of Md Sarfuddin alias Sarfuddin
 5. Injamul alias Injamamul Aged about 28 years Male son of Md. Sarfuddin alias Sarfuddin
 6. Hussain Ara alias Hushnara Aged about 28 female Wife of Rafijul alias Md Rafijul Haque
 7. Sanjila alias Sanjeer Khatoon aged about 30 years Wife of Riyajul alias Md Riyajul Haque
 8. Kushiman alias Kursiman aged about 60 years female wife of Gyasuddin
 9. Gulabi Aged about 30 years female D/o of Riyajul alias Md. Riyajul Haque
 10. Najma alias Mojama aged about 21 years female D/o Gyasuddin
 11. Raijun Aged about 32 years male female D/o Gyasuddin
- All resident of village – Barapokhar P.S. Pothia District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Opposite Party/s : Mr. Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-06-2020 Heard Mr. Ram Prawesh Kumar , learned counsel for the petitioners and Mr. Rana Randhir Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend their arrest in connection with
Pothia P.S. Case No. 179 of 2019 registered for the offence



punishable under Section 341, 323, 224, 379, 354(B), 504, 506/34 of the Indian Penal Code 1860.

The allegation against the petitioners is that the petitioners assaulted the brother of the informant while he was erecting pillar in his courtyard and petitioner no. 1- Rafijul @ Md. Rafijul Haque gave a sword blow on the neck of the brother of the informant namely, Imtiyaz . It has further been alleged that the all the accused persons took away Rs. 30,000/- from the suit case of the informant.

Learned counsel for the petitioners submits that both the parties are closely related and are co-sharers. Learned counsel further submits that there is case and counter case between the parties inasmuch as Pothia P.S. Case No. 180 of 2019 has been lodged by the petitioner no. 1 against the side of the prosecution for the occurrence which had taken place on the same day. Learned counsel further submits that entire family members have been made accused in this case. Referring to Annexure – 3 to this anticipatory bail application learned counsel submits that lacerated injuries have been found on the palm of the brother of the informant Imtiyaz which have been found to be simple in nature by the doctor.

Having regard to the submissions made by the parties



and taking into consideration the fact that both the parties are related and injuries caused to the brother of the informant have been found to be simple in nature, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Pothia P.S. Case No. 179 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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