

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20156 of 2020

Arising Out of PS. Case No.-83 Year-2017 Thana- KOCHADHAMAN District- Kishanganj

1. IMTEYAZ Son of Abdul Khalique
2. Md. Niyaz Son of Abdul Khalique
3. Md. Rafar Son of Late Abbas
4. Zafar Alam Son of Late Abbas
5. Ekram Son of Abdul Khalique
6. Abdul Khalique Son of Late Taniruddin @ Moinuddin
7. Nazra Begum Wife of Abdul Khalique
8. Mir Firoz @ Mil Faroz Son of Late Abbas
9. Khaletun Nisha Wife of Late Taniruddin @ Moinuddin
10. Rafequl Nisha Wife of Late Abbas
All Resident of Village-Bahikol, P.O-Dhanpatganj, P.S-Kochadhaman,
District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-08-2020 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Kochadhaman P.S. Case No.83 of 2017 registered under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code.

The informant alleged that three days before the occurrence, one Rafar was sprinkling water on the roof of his house and he requested the sister of the informant to close the door of window, on such, Ekram abused her. When the



informant returned to his house, his sister narrated the entire story. On 02.06.2017, the informant inquired from Md. Ekram that why he abused his sister on such, other eight accused persons came and assaulted the informant and others with lathi, stick and other weapons.

The learned counsel for the petitioners submits that police after investigation submitted chargesheet under Sections 341, 323, 448, 504, 506 and 34 of the I.P.C., all bailable Sections of the Indian Penal Code but the learned Judicial Magistrate took cognizance under Section 307 and other Sections of the Indian Penal Code. It is further submitted that on account of petty dispute some verbal altercation and scuffle took place and thus, petitioners deserve anticipatory bail.

Perused the record. It appears that omnibus and general allegation of assault is made against the petitioners. The F.I.R. was registered under Section 307 and other Sections of the Indian Penal Code but the police after investigation has not found the case true against three accused persons and found the case true against other seven accused persons. The case was found true only under bailable sections of the Indian Penal Code but the learned Judicial Magistrate took cognizance under Section 307 of the Indian Penal Code also.



Taking into consideration the facts aforesaid and nature of allegation made against the petitioners, let the petitioners, above named, in the event of their arrest or surrender within a period of four weeks be released on bail 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 Chief Judicial Magistrate, Kishanganj in connection with Kochadhaman P.S. Case No.83 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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