

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66451 of 2019

Arising Out of PS. Case No.-270 Year-2019 Thana- JOKIHAT District- Araria

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1. SHAHIL Son of Sammo Resident of Village - Uda Ward No. 4, P.S.- Mahalgaon, District - Araria.
 2. Sadique Son of Islam @ Md. Islam Resident of Village - Uda Ward No. 4, P.S.- Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 06-03-2020

Heard learned counsels for the petitioners, informant
and the State.

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

The prosecution case got initiated by filing of Complaint
Case No. 1413 of 2019 on 18.06.2019, which subsequently
came to be registered as a police case after the same being
transferred under Section 156(3) of the Cr. P.C. is to the effect
that on 16.06.2019, while the informant was returning to his
house from Baradia Hat, all the accused persons including the



petitioners surrounded the informant when petitioner no.1, Sahil and co-accused Sarafaraz caught hold of the informant and petitioner no.2, Sadique assaulted the informant with an iron rod on his arm below the ankle, as a result, the informant received fracture injury on his arm. Thereafter co-accused Alam assaulted on the head of the informant with farsa causing bleeding injury.

It is submitted by learned counsel for the petitioners that admittedly, in the background of earlier land dispute, the accusation has been levelled against the petitioners. For the alleged occurrence of 16.06.2019, the complaint was filed on 18.06.2019, which came to be registered as a police case on 06.07.2019. It is further submitted that though specific accusation has been levelled against petitioner no.2 to have assaulted the informant but no injury report is brought on record to corroborate the accusation of assault alleged against petitioner no.2. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, after going through the case diary, submits that accusation against petitioner no.2 is specific to have assaulted the informant and both the petitioners are named in the FIR.



Considering the delayed filing of the complaint and genesis of occurrence, coupled with the fact 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 CJM, Araria in connection with Jokihat (Mahalgaon) P.S. Case No. 270 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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