

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79812 of 2019**

Arising Out of PS. Case No.-383 Year-2019 Thana- TURKAULIYA District- East  
Champaran

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1. IRFAN @ MD. IRFAN, (Male) age about 28 years, Son of Sk. Shahadat
  2. Isteyak @ Monnu @ Md. Isteyak (Male), aged about 29 years, Son of late. Babujan
- Both are resident of Village - Shankar Saraiya Tola Tansariya, P.S.-  
Turkayuliya, Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Asif Kalim

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
**ORAL ORDER**

4      19-06-2020                      Heard learned counsel for the petitioners as well as  
learned A.P.P.

During course of filling of earth by the informant/  
injured, Sk. Naimuddin, Sk. Shahadat, Irfan, Nasbulain,  
Ishteyak @ Monnu, Ishtaque @ Hindustani, Mustaque came and  
scolded him why he has purchased soil from others, whereupon  
an altercation took place and during course thereof, Monnu and  
Irfan caught hold him and then, they threw him over the road  
having brick-soling causing injury over his head. Others have  
also assaulted. Monnu repeatedly gave stroke over his head.  
Hindustani took away Rs.1500/-. On hearing hue and cry,  
villagers came and seeing them the accused persons escaped.



The informant was taken to local hospital and then PMCH where his Fard Beyan was recorded/ gone under treatment. From the injury report issued by the PMCH it is evident that the blood has been found scattered as well as Hypo collection has also been found over the left front parietal as well as temporal lobe.

Learned counsel for the petitioners has submitted that at the local level there has been some sort of manipulation at the end of the informant and the doctor on his own had informed that some portion has been interpolated and further referred to para-68 of the case diary wherein the doctor has denied to have ascribed presence of external injury. He submitted that co-accused have been granted anticipatory bail vide Cr.Misc.No. 57845/2019.

Learned A.P.P. opposed the same.

Considering the injury report issued by the PMCH and further identifying repeated activity of Isteyak @ Monnu @ Md. Isteyak (petitioner no.2), his prayer for anticipatory bail is hereby rejected.

So far as petitioner no.1 Irfan @ Md. Irfan is concerned, he, in the event of his arrest or surrender before the court below within four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran at



Motihari in Turkauliya P.S.Case No. 383/2019, subject to the  
conditions as laid down under section 438(2) Cr.P.C.

**(Aditya Kumar Trivedi, J)**

Surendra/-

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