

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69897 of 2019

Arising Out of PS. Case No.-190 Year-2019 Thana- FORBESGANJ District- Araria

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1. MD. ARIF @ ARIF Son of Sk. Moharram
 2. Md. Sarif Son of Sk. Moharram
 3. Juber Son of Sk. Moharram
- All are resident of Village - Purvari Jhirwa, P.S.- Simraha (Forbesganj), Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

3 01-07-2020 Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend their arrest in connection with Forbesganj (Simraha) P.S. Case No.190 of 2019 registered for the offences punishable under Sections 447, 341, 323, 324, 325, 307, 379, 504/34 of the IPC.

Petitioners are named in the First Information Report and there is specific allegation against the petitioner no.1 that he gave *farsa* blow causing head injury to son of the informant and so far as remaining petitioners are concerned they are said to have assaulted the informant and his son by means of *lathi*. The



injury reports available in the case diary goes to show that both the injured sustained simple injuries caused by hard and blunt substance.

Admittedly, the present case was lodged on 02.03.2019 and the police inspector in its supervision note found that no ingredients of Section 307 of the IPC is made out and, accordingly, police inspector has found the case true only for the offences punishable under Sections 341, 323, 504, 506/34 of the IPC, which is evident from perusal of para-16 of the case diary.

Learned counsel appearing for petitioners submits that investigating officer has not completed his investigation and he has prayed for issuance of warrant of arrest against the petitioners, which is evident from perusal of para-76 of the case diary. He further points out that there is case and counter case between the parties and the accused persons of the counter case have already been granted privilege of anticipatory bail.

In view of the aforesaid submissions as well as facts and circumstances of the case, this petition stands disposed of with a direction to petitioners to surrender before the court below within six weeks from the date of receipt/production of copy of this order and if the petitioners do so and seek regular bail,



the learned court below shall consider the regular bail application of the petitioners on its own merit particularly keeping in mind that the supervising authority has found the case under bailable offences. Furthermore, it is made clear that till the surrender of petitioners within the above stated period, no coercive step shall be taken against the petitioners in connection with the above stated case.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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