

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77398 of 2019

Arising Out of PS. Case No.-398 Year-2019 Thana- BARAUNI District- Begusarai

1. Md. Zafir Khan, Son of Late Md. Tamiz Khan Resident of Village - Deona, P.S.- Barauni, District- Begusarai
2. Md. Dilwar Khan Son of Md. Zafir Khan Resident of Village - Deona, P.S.- Barauni, District- Begusarai
3. Md. Phulo Khan Son of Late Mehdi Hasan Khan Resident of Village - Deona, P.S.- Barauni, District- Begusarai
4. Md. Chand Son of Late Md. Amir Hasan Khan Resident of Village - Deona, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 22-01-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Barauni (Refinery O.P) P.S. Case no. 398 of 2019, registered under Sections 323, 341, 504 and 307/34 of the Indian Penal Code.

The accusation is that informant Md. Jamsed along with his uncle Safi Ahmad and Bhanja Kaif Khan were returning from Madarsa after seeing the material collected near the Madarsa for constructing the boundary wall, when they



reached near the house of Md. Zafir Khan (Petitioner No.1) then Md. Zafir Khan, Hasmati Khatoon, Md. Arju, Md. Dilwar Khan (Petitioner No.2), Md. Chand Khan (Petitioner No.4) and Md. Phool Khan (Petitioner No. 3) attacked on him having sword and iron rod in their hands in which he sustained blood oozing injury at his head. At that time, Md. Chand (Petitioner No.4) caused injury at the head of Safi Ahmad Khan through sword. Md. Kaif was assaulted by Dilwar Khan and Phool Khan, Appellant Nos. 2 & 3, respectively, through iron rod and Md. Arju Khan assaulted him with iron rod.

Learned counsel for the petitioners submits that occurrence of Marpit took place due to some dispute in which petitioners' side also sustained injury regarding which Barauni (Refinary O.P) P.S. Case No. 397 of 2019 was instituted on the basis of fardbeyan of Md. Chand (Petitioner No.4). Further submission is that the injuries as found on the person of informant are simple in nature. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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, Begusarai in connection with Barauni (Refinery O.P) P.S. Case No. 398 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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