

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84681 of 2019

Arising Out of PS. Case No.-427 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. Shakir Alam @ Md. Shakir, Male, aged about 32 years, Son of Ali Akbar, Resident of Majhia, Kauwatoli, P.S. - Kishanganj, District - Kishanganj.
2. Zakir Alam @ Zakir @ Md. Jakir Alam, Male, aged about 30 years, Son of Ali Akbar, Resident of Majhia, Kauwatoli, P.S. - Kishanganj, District - Kishanganj.
3. Firoz @ Firoz Alam, Male, aged about 22 years, Son of Ali Akbar, Resident of Majhia, Kauwatoli, P.S. - Kishanganj, District - Kishanganj.
4. Shohail, Male, aged about 24 years, Son of Ali Akbar, Resident of Majhia, Kauwatoli, P.S. - Kishanganj, District - Kishanganj.
5. Ali Akbar, Male, aged about 74 years, Son of Imran Ali, Resident of Majhia, Kauwatoli, P.S. - Kishanganj, District - Kishanganj.
6. Zafar @ Zafar Hussain, Male, aged about 47 years, Son of Basiruddin, Resident of Majhia, Kauwatoli, P.S. - Kishanganj, District - Kishanganj.
7. Nayeema Khatoon @ Naima, Female, aged about 28 years, Wife of Shamshad, Resident of Majhia, Kauwatoli, P.S. - Kishanganj, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 31-08-2020 Heard both sides.

The petitioners apprehend their arrest in Kishanganj P.S.

Case No.427 of 2019, registered under Sections 147, 341, 323 and
308 of the Indian Penal Code.

The informant, Mobin alleged that on 25.08.2019, his
niece was brutally assaulted by her husband and in-laws. The
informant was going to the place where Panchayati was being



held. While the informant was on his way, Shakir Alam, Zakir Alam, Firoz, Sohail, Zafar and Nayeema Khatoon and others surrounded him and asked him to return. Jahangir assaulted him with bamboo stick on his head and Sohail assaulted him with belt. On alarm being raised, the mother of the informant and other family members came to save the informant but the accused persons also assaulted them.

Learned counsel for the petitioners submits that there is no allegation of assault against the petitioners. There is counter version being Kishanganj P.S. Case No.428 of 2019. Both the sides are close relatives and reside in the same village. The injuries of the injured incorporated in Annexure-2 shows that all the injured got simple injuries. On account of some petty dispute, both sides entered into mutual assault on each other but no specific allegation of assault is made against the petitioners.

The learned Additional P.P. did not dispute these facts.

It appears that there is case and counter case. The informant alleged that he was assaulted by Jahangir and Sohail. The informant got one injury which is simple in nature. Other injured also got injuries which are opined to be simple in nature and this fact shows that both sides entered into a scuffle with each other and both sides sustained injuries which are simple in nature.

Considering the facts aforesaid, let petitioners, above



named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged 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 Kishanganj P.S. Case No.427 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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