

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86778 of 2019

Arising Out of PS. Case No.-86 Year-2019 Thana- PHULWARIA District- Begusarai

1. Md. Kasim, Son of Late Rajjak Mian Resident of Village - Phulwariya - II, Ward No.- 11, P.S.- Phulwariya, Dist. - Begusarai
2. Md. Haroon, Son of Late Rajjak Mian Resident of Village - Phulwariya - II, Ward No.- 11, P.S.- Phulwariya, Dist. - Begusarai
3. Md. Iliyas Son of Md. Kasim Resident of Village - Phulwariya - II, Ward No.- 11, P.S.- Phulwariya, Dist. - Begusarai
4. Md. Irshad @ Md. Irshad Ali, Son of Md. Kasim Resident of Village - Phulwariya - II, Ward No.- 11, P.S.- Phulwariya, Dist. - Begusarai
5. Md. Bablu @ Md. Sohail, Son of Md. Kasim Resident of Village - Phulwariya - II, Ward No.- 11, P.S.- Phulwariya, Dist. - Begusarai
6. Md. Shahzada, Son of Md. Haroon Resident of Village - Phulwariya - II, Ward No.- 11, P.S.- Phulwariya, Dist. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 448, 354, 379, 504, 506 and 307/34 of the Indian Penal Code.

The prosecution case as per the written report of Shahjahan Khatoon submitted to the Station House Officer of



Phulwariya Police Station, is to the effect that the seven accused persons and five unknown entered into the house of the informant and on the order of co-accused Md. Sikandar Ali, petitioner no. 4, Md. Irshad assaulted with rod on the head of the daughter of the informant, Ladli and snatched a gold chain from the informant and co-accused Md. Tabrej assaulted with his leg to the informant.

It is submitted by learned counsel for the petitioners that the accusation has been made against the petitioner in the background of old enmity when the informant's son was handed over to the police on recovery of arms, Phulwariya P.S. Case No. 85 of 2019 was registered at earlier point of time. It is further submitted that the injury has been found superficial simple in nature. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the specific accusation of assault is against petitioner no. 4, Md. Irshad.

Considering the genesis of the occurrence, there being no accusation of repeating the blow and injury being found simple in nature, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Phulwariya P.S. Case No. 86 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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