

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34021 of 2020

Arising Out of PS. Case No.-57 Year-2020 Thana- DAGARUA District- Purnia

1. MD. MOIN @ MOJIB @ MD. MOJIB S/o Late Tafezul
2. MD. EJAZ @ MD. EZAZ
3. MD. AFZAL Both sons of Md. Moin @ Mojib @ Md. Mojib
4. RAKIB S/o Late Jibchhu
All residents of Ichalo, P.S.-Dagarua, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Fazle Karim
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-03-2021 Heard both sides.

The petitioners apprehend their arrest in Dagarua P.S.

Case No.57 of 2020 registered under Sections 341, 323, 324,
325, 307, 504 and 34 of the Indian Penal Code.

The informant alleged that while he along with his nephew (bhanja) were repairing his house, Md. Moin @ Mojib @ Md. Mojib, Md. Ejaz @ Md. Ezaz, Md. Afzal and Rakib came and began to abuse the informant. When the informant continued to repair his house, Md. Ejaz assaulted the informant with knife causing injury on his head. Md. Ejaz gave another blow with knife on his shoulder. Md. Moin assaulted him with lathi on his right hand. When Aslam came to save, Md. Ezaz also gave repeated blow with dagger on his head. Md. Moin



assaulted Aslam with lathi on his head.

The learned counsel for the petitioners submits that there is allegation against Md. Ejaz that he assaulted the informant with dagger and Md. Moin assaulted Aslam with lathi but there is no allegation on Md. Afzal and Rakib, petitioner Nos.3 and 4. The informant and the petitioner No.1 are own brother. There is a bonafide land dispute. The petitioner Md. Moin @ Mojib @ Md. Mojib also lodged Dagarua P.S. Case No.54 of 2020 against Md. Naim and others. Now the case has been compromised. It is further submitted that Md. Naim got as many as four injuries but injuries are swelling, bruise and abrasion and all the injuries are simple in nature. Md. Aslam got four injuries out of which one injury, found in crown fracture of central and lateral incisor teeth, is opined to be grievous in nature. All the injuries caused by hard and blunt object. Md. Ezaz is said to have assaulted the informant and his nephew with dagger but no injury is opined to be caused by sharp edged weapon such as dagger.

Taking into consideration the facts that Md. Ezaz is said to have assaulted the informant and his nephew with dagger but no injury is said to have been caused by any sharp edged weapon, let the petitioner Nos.2, namely, Md. Ejaz @ Md. Ezaz,



petitioner No.3, namely, Md. Afzal and petitioner No.4, namely, Rakib in the event of their arrest or surrender within a period of four weeks be released 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 J.M. Ist Class, Purnea in connection with Dagarua P.S. Case No.57 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of Md. Moin @ Mojib @ Md. Mojib(petitioner No.1) is concerned, he is alleged to have assaulted with lathi on the head of the informant and Aslam. The informant of course got simple injury. Md. Aslam got one injury and his incisor teeth was found fractured. The injury is opined to be grievous in nature caused by hard and blunt object.

Taking into consideration the facts aforesaid and the fact that Md. Moin @ Mojib @ Md. Mojib is author of injury caused by hard and blunt object, I am not inclined to enlarge the petitioner No.1 on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

