

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41040 of 2020

Arising Out of PS. Case No.-165 Year-2020 Thana- KATIHAR MUFFASIL District- Katihar

1. MD. HUSSAIN SON OF MD. HAZRAT RESIDENT OF VILLAGE-UDAMAREKHA, P.S.-MUFASSIL DISTRICT-KATIHAR.
2. MD. ZUBER SON OF MD. HAZRAT RESIDENT OF VILLAGE-UDAMAREKHA, P.S.-MUFASSIL DISTRICT-KATIHAR.
3. SAJJAD SON OF MD. HAZRAT RESIDENT OF VILLAGE-UDAMAREKHA, P.S.-MUFASSIL DISTRICT-KATIHAR.
4. MAIFUL KHATOON WIFE OF MD. HAZRAT RESIDENT OF VILLAGE-UDAMAREKHA, P.S.-MUFASSIL DISTRICT-KATIHAR.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Md. Musowir, Advocate.
For the State	:	Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 30.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Mufassil P.S. Case No.165 of 2020 registered under Sections 341, 323, 324 and 307/34 of the Indian Penal Code.



The accusation is that in the evening of 28.06.2020, Md. Salim, the son of the informant Md. Kitabul, was at his door. At that time, Md. Hazrat having Khanti in his hand came there and gave the Khanti blow at the forehead of Md. Salim, the son of the informant, due to which he fell down. Thereafter, Md. Hussain (petitioner no.1), Zuber (petitioner no.2) and Sajjad (petitioner no.3) started to cause assault through Danda. While the son of the informant was rushed to Sadar Hospital, Katihar, but the doctor was not available there, due to that reason, the son of the informant was treated by the private doctor. At that time, Maiful Khatoon (petitioner no.4) took the silver chain from the neck of the son of the informant.

Learned counsel for the petitioners submits that while the petitioners are named in the F.I.R. but no specific allegation is attributed to the petitioners. The specific allegation is against the co-accused Md. Hazrat, who gave the Khanti blow at the forehead of the son of the informant. On medical examination, only one injury on the head of the son of the informant was found, which is said to be simple in nature. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their



arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Katihar, District-Katihar, in connection with Mufasil P.S. Case No.165 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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