

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2858 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- TARABARI District- Araria

1. KALAM S/O LATE MASTAN RESIDENT OF VILLAGE-JHAMATA, WARD NO.11, P.S. TARABARI, DISTRICT-ARARIA.
2. MEMAN KURESH @ MAIMAN KURAISHI S/O LATE MASTAN RESIDENT OF VILLAGE-JHAMATA, WARD NO.11, P.S. TARABARI, DISTRICT-ARARIA.
3. MUNTAZIR S/O LATE JALILUDDIN @ JALIL RESIDENT OF VILLAGE-JHAMATA, WARD NO.11, P.S. TARABARI, DISTRICT-ARARIA.
4. SAMIMUL @ SAMAMUL S/O LATE NAJBUL RESIDENT OF VILLAGE-JHAMATA, WARD NO.11, P.S. TARABARI, DISTRICT-ARARIA.
5. MANGLA @ MUSTAKIM S/O MEMAN KURESH @ MAIMAN KURESH RESIDENT OF VILLAGE-JHAMATA, WARD NO.11, P.S. TARABARI, DISTRICT-ARARIA.
6. ARJU @ ARRJU S/O LATE SADRUL RESIDENT OF VILLAGE-JHAMATA, WARD NO.11, P.S. TARABARI, DISTRICT-ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh- Advocate
For the Opposite Party/s : Ms. Nirmala Kumari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2021 Heard Mr. Anil Prasad Singh, the learned Advocate

for the petitioners and Ms. Nirmala Kumari, the learned APP for

the State.

The petitioners seek bail in anticipation of their arrest

in connection with Tarabari P. S. Case No.52 of 2020, instituted

for the offences under Sections 147, 149, 341, 323, 307, 379,

354, 504, 506/ 34 of the Indian Penal Code.



It is alleged in the F.I.R. that in the fight which took place between the two parties, the petitioners had participated. Three persons are said to have been injured. Except for one person, who has received an injury in his index finger, which has been reported to be grievous, all other injuries on the persons of other victims are simple in nature. The act of assaulting on the head of one of the victims by means of an iron rod is attributed to an accused person, who is not the petitioner in the present application. The cause of occurrence, it has been argued, is absolutely different from what has been stated in the F.I.R.

The learned Advocate for the petitioners has submitted that the brother of the informant was married to the sister of one of the petitioners but there was some dispute between the families. On one occasion, the brother of the informant had assaulted the children of the other side and this was the bone of contention between the parties.

The occurrence arose out of a small dispute. Even though, one of the injuries on one of the victims is stated to be grievous but the dimension of such an injury reflects that there is no intention on the part of any one of the accused persons to cause any grievous injuries to any person.



There is some delay in the endorsement of the F.I.R. by the learned Chief Judicial Magistrate. The suggestion of the learned Advocate for the petitioners is that the F.I.R., on face of it, appears to be ante-dated.

Be that as it may, regard being had to the genesis of the occurrence and the fact that almost all the victims have received simple injuries and there is a parallel story of the occurrence arising out of a different dispute, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Araria in connection with Tarabari P. S. Case No.52 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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