

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.886 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- FALKA District- Katihar

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1. MD. JAMIL SON OF LATE MIR SHAHADAT RESIDENT OF VILLAGE-FALKA, P.S- FALKA, DISTT- KATIHAR
 2. MD. AMIL SON OF LATE MIR SHAHADAT RESIDENT OF VILLAGE-FALKA, P.S- FALKA, DISTT- KATIHAR
 3. MD. HASIB SON OF LATE MIR SHAHADAT RESIDENT OF VILLAGE- FALKA, P.S- FALKA, DISTT- KATIHAR
 4. MD. ASLAM SON OF LATE MIR SHAHADAT RESIDENT OF VILLAGE- FALKA, P.S- FALKA, DISTT- KATIHAR
 5. MD. KAMIL SON OF LATE MIR SHAHADAT RESIDENT OF VILLAGE- FALKA, P.S- FALKA, DISTT- KATIHAR

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the informant	:	Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s	:	Smt. Pushpa Sinha.1, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 02.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.2, namely, Md. Amil as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of



the petitioner No.2 **Md. Amil** is dismissed as withdrawn.

Heard learned counsel appearing on behalf of petitioners No.1, 3, 4 and 5, namely, Md. Jamil, Md. Hasib, Md. Aslam and Md. Kamil, respectively, learned counsel appearing on behalf of informant and the learned A.P.P. for the State.

The petitioner Nos. 1, 3, 4 and 5 apprehends his arrest in connection with Falka P.S. Case no. 50 of 2020, registered under Sections 451, 341, 323, 307 and 324/34 of the Indian Penal Code.

The accusation is that nine persons named in the F.I.R., including petitioner Nos. 1, 3, 4 and 5, namely, Md. Jamil, Md. Hasib, Md. Aslam and Md. Kamil, respectively, all of sudden entered in the house of informant Md. Margoob Alam and started to cause assault him and his wife. On the order of Md. Jamil (Petitioner No.1), Gulam Sarbar gave Farsa blow at his neck, but the same hit at his head, as a result, he fell down. Thereafter, all started causing assault through lathi and stick then he became unconscious. When other family members of the informant rushed then they were also assaulted.

Learned counsel appearing for the petitioner Nos. 1, 3, 4 and 5, namely, Md. Jamil, Md. Hasib, Md. Aslam and Md. Kamil, respectively, submits that, in fact, occurrence of



Marpit took place due to putting of thatched wall in which petitioners' side also sustained injury regarding which Falka P.S. Case No. 50 of 2020 is also instituted on the basis of fardbeyan of Md. Hasib (Petitioner No.3) against the informant of the present case and others. Further submission is that moreover petitioner No.1 Md. Jamil is said to be only order giver and no specific overt act has been attributed against petitioner Nos.3, 4 and 5. Moreso, injuries as found on the person of informant Md. Margoob Alam, Sadique Qunar and Najhat Ara are simple in nature, which would appear from Annexure-2 series. Further submission is that petitioner Nos. 1, 3, 4 and 5 have no criminal antecedent, except, Falka P.S. Case No. 50 of 2020, which is also instituted from prosecution side.

On the other hand, learned counsel appearing on behalf of informant submits that while injuries of informant is simple in nature, but the same was at his head.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. 1, 3, 4 and 5, namely, Md. Jamil, Md. Hasib, Md. Aslam and Md. Kamil, respectively, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten



thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Katihar in connection with Falka P.S. Case No. 50 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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