

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49938 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- AMDABAD District- Katihar

1. Sk. Samaul Hassan @ Sk. Samaul S/O Mozib Resident Of Village- Pashchim Tola, P.S.- Amdabad, District- Katihar.
2. Tabrej Hassan S/O Mozib Resident Of Village- Pashchim Tola, P.S.- Amdabad, District- Katihar.
3. Md. Gulzar S/O Mozib Resident Of Village- Pashchim Tola, P.S.- Amdabad, District- Katihar.
4. Md. Riyaz @ Md. Rizwan S/O Late Samsad Hassan Resident Of Village- Pashchim Tola, P.S.- Amdabad, District- Katihar.
5. Md. Quarban S/O Late Seikh Amiruddin Resident Of Village- Pashchim Tola, P.S.- Amdabad, District- Katihar.
6. Md. Sanowar S/O Md. Quarban Resident Of Village- Pashchim Tola, P.S.- Amdabad, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Om Prakash Singh, Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the Informant	:	Mr. Bimal Kumar, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-12-2022 Heard learned counsel for the petitioners, informant and the State.

Petitioners apprehend arrest in a case registered for the offence punishable under Sections 323, 506/34 and other allied sections of Indian Penal Code.

As per FIR, all the accused persons including these petitioners intruded in the courtyard of the informant and



assaulted him and his family members. It is alleged that petitioner No. 1 assaulted the informant on his head by means of iron rod. Petitioner Nos. 2 assaulted Md. Aftab by means of iron rod. Petitioner Nos. 3 and 4 assaulted Shahnawaz on head by means of iron rod and there is no allegation of any overt act against petitioner Nos. 5 and 6.

Learned counsel appearing for the petitioners submits that both the parties are in close rivalry and due to petty dispute an altercation took place between them in which both sides sustained injuries. Case and counter case. Case filed by the petitioner is earlier in point of time. Injury caused by petitioner Nos. 1 and 2 are simple in nature and doctor has reserved his opinion with regard to injuries caused by petitioner Nos. 3 and 4 on the head of Shahnawaz.

Learned counsel for the informant vehemently opposes the prayer for bail application submitting that there is specific accusation of assault against these petitioners.

Considering the backdrop of the case and nature of injury, let the above named petitioners in the event of their arrest/surrender before the court below within a period of thirty days from the date of receipt/production of copy of this order, be enlarged 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 Chief Judicial Magistrate, Katihar in Amdabad P. S. Case No. 264 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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