

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19986 of 2023

Arising Out of PS. Case No.-502 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. MD. SHAMIM @ MD. MITHU @ MAHAMMAD SAMIM Son of Md. Abdul Wakil @ Md. Wakil @ Mia Abdul Ukill R/V- Rahimpur Rudauli, Ward no. 3, P.S- Samastipur (Muffasil) Dist- Samastipur (Bihar)
 2. Md. Kalim @ Md. Raju @ Mahammad Kalim Son of Md. Abdul Wakil @ Md. Wakil @ Mia Abdul Ukill R/V- Rahimpur Rudauli, Ward no. 3, P.S- Samastipur (Muffasil) Dist- Samastipur (Bihar)
 3. Md. Wasim @ Md. Sonu @ Mahammad Washim Son of Md. Abdul Wakil @ Md. Wakil @ Mia Abdul Ukill R/V- Rahimpur Rudauli, Ward no. 3, P.S- Samastipur (Muffasil) Dist- Samastipur (Bihar)
 4. Md. Abdul Wakil @ Md. Wakil @ Mia Abdul Ukill Son of Late Minya Latif @ Latif R/V- Rahimpur Rudauli, Ward no. 3, P.S- Samastipur (Muffasil) Dist- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jagnnath Singh
For the Opposite Party/s	:	Mr.Murli Dhar
For the Informant		Mr. Barj Kishore Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioners have prayed for bail in a case instituted for the offence under Sections 307, 323, 324, 34, 341, 354(B), 379, 447, 504 of the Indian Penal Code and Section 302 of the IPC was further added.

As per allegation in the FIR, all the petitioners have entered into the house of the informant and misbehaved with her



on which her husband protested. Thereafter, co-accused Raju assaulted her husband with sword on his head causing injury to him. Petitioner no. 1 assaulted to him by slap and feast. Petitioner no. 2 assaulted to her husband by sword. Petitioner no. 3 and 4 assaulted to her brother-in-law and father-in-law by means of lathi and danda. During course of treatment, injured Md. Ishaque, father-in-law of the informant has died.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. Over a petty dispute, the alleged occurrence took place in which members of both sides have received injuries. There is case and counter case. As per injury reports, informant has received two injuries out of which one is simple and opinion of another injury is kept reserved. Informant's husband has also sustained simple injury caused by hard and blunt object whereas, allegation of assaulting him is attributed to petitioner no. 2 to gave a sword blow. Md. Aslam, brother-in-law of the informant has also received simple injury. Deceased Ishak had sustained injury in his right leg, grievous in nature but the same was on non-vital organ. Md. Ishaque, father-in-law of the informant died after fifteen days of discharge from hospital. Medical reports of all the injured



persons are not in consonance with the prosecution case. Petitioners have got no criminal antecedent and all are languishing in judicial custody since 16.01.2023.

The application for bail is opposed by learned APP for the State and learned counsel for the informant and submitted that father-in-law, Md. Ishak succumbed to injuries.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, II, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 502 of 2019.

(Sunil Kumar Panwar, J)

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