

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38312 of 2015

Arising Out of PS.Case No. -211 Year- 2015 Thana -NARPATGANJ District- ARRARIA

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Md. Kadir Son of Tajmul Resident of Village- Madhura Uttar Palar P.S.
Narpatganj, Dist- Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mrs. Pushpa Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-09-2015 Heard learned counsel for the petitioner, learned counsel for
the informant as well as the learned APP.

The petitioner seeks bail in a case registered for the offences
punishable under Sections 147, 148, 149, 323, 324, 307, 325, 379, 504
and 506 of the Indian Penal Code.

The informant Md. Saiyyad named eleven persons including
the petitioner Md. Kadir and alleged that they all having armed with
Lathi, Bhala and Pharsa came surrounded the house of the informant
and brutally assaulted the informant and his family members.

Learned counsel for the petitioner submits that there is a
land dispute between the parties. A proceeding under Section 144 of the
Cr.P.C. vide Case No. 225M of 2015 was initiated on 07.05.2015
between the petitioner and the informant. Thereafter, the present case
was lodged on 02.06.2015. From the side of prosecution five persons

were injured out of which Sahajadi daughter of Kudus got two grievous injuries. Md. Sayad got one fracture injury of metacarpal bone of left hand which is opined to be grievous in nature. Samrur Khatoon and others got simple injury. From the side of the petitioner Abu Nesor got one grievous injury on dorcal surface of right forearm and dislocation of 4th and 5th metacarpal bone of left hand. Others have got simple injuries. It is further submitted that there is no specific allegation of assault against the petitioner or any other accused persons.

On the other hand learned counsel for the informant as well as the learned APP has submitted that in the month of January, 2015 the petitioner and others had assaulted the mother of the informant with spade.

Taking into consideration of the facts that there is no specific allegation against any of the accused including the petitioner and the occurrence took place due to bona fide land dispute, the petitioner above named is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Narpatganj P.S. Case No. 211 of 2015.

(Prabhat Kumar Jha, J.)

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