

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29702 of 2014

Arising Out of PS.Case No. -214 Year- 2013 Thana -BAJPATTI District- SITAMARHI

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1. Ojair Ahmad @ Md. Ojair @ Heera Son of Late Nurul Hassan
2. Md. Shamsh Tabrez @ Md. Tabrez @ Dablu Son of Late Md. Sohail Ahmad
3. Abdullah @ Md. Abdul Son of Md. Obaid
4. Irfan Hassan @ Jauhar Son of Late Ibnul Hassan
5. Haseeb Irfan @ Md. Haseeb Son of Irfan Hassan
6. Md. Najeem Son of Late Shamshul Haque
7. Puniya Son of Late Md Yunus
All Resident of Village - Mirzapur, P.S. - Bajpatti, District - Sitamarhi
..... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Manish Kumar 2(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 13-01-2015 Since this petition for grant of pre-arrest bail on behalf of petitioner nos. 1 and 2 have already been dismissed as withdrawn vide order dated 21.8.2014 and 19.9.2014 respectively, this anticipatory bail application now only relates to petitioner nos. 3 to 7.

Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioner nos. 3 to 7 apprehend their arrest in connection with Bajpatti P.S. Case No. 214 of 2013 registered for the offences punishable under Sections 147, 148, 149, 448, 323, 324, 379, 435, 427, 307 and 504 of the Indian Penal Code.

Due to land dispute, allegedly, the petitioners and other FIR named accused persons being armed entered into the house of

informant, assaulted Md. Shamim, co-accused Md. Obair gave sword blow which hit on his right shoulder and after he fell down and when Md. Firoz came for rescue, he was also assaulted by rod and knife and thereafter, the accused persons after entering into the house took away clothes and ornaments at the time of escaping they set the Baithka a thatched house on fire.

Submission is that there is case and counter case, the brother of Ujair Ahmad has been killed and in retaliation this case has been filed to which the learned APP opposes.

Considering that the allegation is against co-accused Md. Obair for giving sword blow upon the right shoulder of Md. Shamim and not against the petitioners as such the petitioner nos. 3, 4, 5, 6 and 7 above named, in case of their surrender or arrest within two months from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S. Case No. 214 of 2013, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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