

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1347 of 2015

Arising Out of PS.Case No. -156 Year- 2014 Thana -JOKIHAT District- ARRARIA

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1. Naim @ Md. Naim, Son of Md. Momtaz,
 2. Jaim @ Md. Jaim, Son of Md. Momtaz,
 3. Sahawaj @ Md. Sahawaj, Son of Md. Momtaz,
 4. Hasibul @ Md. Hasibul, Son of Kare, All are residents of Village – Haradar Tola, Rani, P.S.- Jokihat, District – Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 13-01-2015

Heard learned counsel for the petitioners, learned counsel

for the State as well as learned counsel for the informant.

The petitioners apprehend their arrest in Jokihat P.S. Case No. 156 of 2014, registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that all the accused persons including the petitioners having armed with different weapons such as Dabia, Pharsa came near the bamboo bush of the informant and started cutting bamboo. When the informant objected, the petitioners are alleged to have assaulted the informant, his mother and other family members.

Learned counsel for the petitioners submits that there is a land dispute between the parties. The petitioners had planted the

bamboo bush. All the injured persons received simple injuries as the same appear from Annexure-2 series.

On the other hand, learned counsel for the informant submits that there is no land dispute as the land was sold by the father of the petitioners in the year 1972 and after 32 years, the petitioners claimed that land belongs to them but they did not file any suit till date.

Having considered the facts aforesaid and the fact that all the petitioners are alleged to have assaulted the informant and his family members and corresponding injuries are found, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

However, the petitioners, if so advised, may surrender before the court below and pray for regular bail and their prayer shall be considered on its own merit without being prejudiced by this order and taking into consideration that there is no repetition of blow and on account of assault simple injuries are said to have been caused.

Let this order be communicated through FAX to the court of the Learned Sub-Divisional Judicial Magistrate, Araria at the cost of the petitioners.

(Prabhat Kumar Jha, J.)

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