

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47524 of 2014

Arising Out of PS.Case No. -274 Year- 2014 Thana -AURANGABAD TOWN District-
AURANGABAD

- =====
1. Jamal Mian @ Jamal Miyan @ Md. Jamal Ahmad S/o Late Md. Yasin, resident of Mohalla- Islam Toli, P.S.- Town, District- Aurangabad
 2. Md. Javed @ Md. Jawed Ahmad, S/o Jamal Mian
 3. Md. Sarfraj Ahmad @ Md. Bahadur @ Md. Sarfraz Ahmad, S/o Jamal Mian Both resident of Mohalla- Shahganj, P.S.- Town, District- Aurangabad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh
For the Opposite Party/s : Mr. Dashrath Mehta (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

4 23-04-2015 In view of the order dated 15.01.2015, this application as against petitioner no.2 has been dismissed having become infructuous.

Heard learned counsel for the petitioners no.1 and 3 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Aurangabad (T) P.S. Case No. 274 of 2014 registered under Sections 341, 323, 325, 307, 504/34 of the Indian Penal Code and section 27 Arms Act pending in the Court of C.J.M., Aurangabad.

Learned counsel appearing on behalf of the

petitioners submits that it would appear from the F.I.R. that the occurrence took place due to dispute of erecting the boundary wall, in which petitioners are said to cause injury on the head of Abu Kasim Ansari through iron rod, but at the time of occurrence, in fact, both parties have received injuries due to land dispute. It is also submitted that earlier petitioner no.3 has also lodged Aurangabad (Town) P.S. Case No. 275 of 2014 for the same occurrence against the informant and others. It is also submitted that in the injury report, there are seven injuries found on the person of the injured, Abu Kasim Ansari, brother of the informant, but all the injuries are found simple in nature caused by hard and blunt substance. The injured and the informant have also filed compromise petition on 24.12.2014 in the Court of C.J.M.

Having considered the facts and circumstances of the case, I am not inclined to allow the prayer of the petitioners for anticipatory bail. Accordingly, the application stands rejected.

However, above named petitioners no. 1 & 3 are directed to surrender before the trial Court within a period of four weeks and pray for regular bail, which shall be considered on its own merit without being prejudiced by this present order.

(Rajendra Kumar Mishra, J.)

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