

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 46187 of 2015**

Arising Out of PS.Case No. -241 Year- 2015 Thana -SAHARSA District- SAHARSA

- =====
1. Md. Sarfuddin Son of Padu Mian
  2. Bibi Chano D/o Md. Wasim
  3. Md. Tamul S/o Md.Kito
  4. Md. Sakul S/o Md. Wahid
  5. Md. Wakil S/o Md. Tohid
  6. Jabairul Khatoon W/o Charkatta
  7. Sarsaiya Khatoon W/o Md. Mako
  8. Md. Wasim Ali son of Md. Basir Ali resident of village - Nariyar, P.S. and District - Saharsa.
- All are residents of village and P.S. - Nawahatta District - Saharsa.

.... .... Petitioners

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. R.C.Thakur, Adv.  
Mr. Kamal Kishore Singh, Adv.  
For the Opposite Party/s : Mr. Parmeshwar Mehta (App)  
Mr. Pramod Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 14-10-2015 Heard Sri R.C.Thakur, learned counsel, who was assisted by Sri Kamal Kishore Singh, learned counsel for petitioners, Sri Parmeshwar Mehta, learned Addl. Public Prosecutor and Sri Pramod Mishra, learned counsel, who has voluntarily appeared on behalf of informant.

Eight petitioners, apprehending their arrest in Saharsa Sadar P.S. Case No. 241 of 2015 registered for the offence under Sections 341, 323, 384, 386, 387, 504, 307, 379,448/34 of the Indian Penal Code, have prayed for grant of anticipatory bail.



It was submitted by learned counsel for petitioners that in a case of land dispute, colour of criminal offence has been given by the informant side. It has been argued that in the F.I.R. itself, the informant side alleged that occurrence had taken place on 21-03-2015, whereas, F.I.R. was lodged on 02-04-2015. Moreover, neither the informant was examined by any medical officer nor there was any injury on his body, even then, Section 307 of the I.P.C. has been incorporated in the F.I.R. In sum and substance, it has been argued that this case has been lodged on false allegation.

Sri Mishra, learned counsel for the informant has vehemently opposed the prayer of the petitioners. He submits that in respect of other petitioners, there is no material, but so far as petitioner no. 8 Md. Wasim Ali is concerned, there is accusation against him.

In view of facts and circumstances, the Court is of the opinion that it is a fit case for extending the privilege of anticipatory bail to all the accused persons.

Accordingly, in the event of arrest or surrender within a period of eight weeks from today the petitioners namely Md. Sarfuddin, Bibi Chano, Md. Tamul, Md. Sakul, Md. Wakil, Jabairul Khatoon, Sarsaiya Khatoon and Md. Wasim Ali @ Md.

Wasim be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/concerned court in connection with Saharsa Sadar P.S. Case No. 241 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Rakesh Kumar, J.)**

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