

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.52023 of 2015**

Arising Out of PS.Case No. -37 Year- 2015 Thana -BAUSI District- PURNIA

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1. Md. Eliyas, Son of Jamal  
2. Olahir Son of Jamal  
3. Md. Mojjami @ Mujjamil. S/o Jamil All resident of Harerampur, P.S. Baisi, District- Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Bijendra Kumar Singh

For the Opposite Party/s : Mr. C.Sen Pd.Singh(App)

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      17-12-2015      Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Baisi P.S.Case No. 37 of 2015 for the offences alleged under Sections 147, 148, 149, 323, 324, 307, 379 and 354 of the Indian Penal Code.

The prosecution case, in short, is that on 09.03.2015 the informant was lifting soil from a ditch of his land. The accused persons forming an unlawful assembly armed with farsa, sword, Dabiya and Khanti came. They prohibited the informant from lifting the soil. They abused and assaulted the informant by means of farsa on his head. The wife of the informant was also assaulted

on her head by sword. Daughter of the informant, namely, Amrin Begum was assaulted by Khanti and his brother Wazir was assaulted by piece of bamboo. All the persons received bleeding injuries. The clothes of wife of the informant was torn and she became half naked. The accused snatched ornament from the possession of the wife of the informant and extended threat with dire consequences.

It has been submitted by the counsel for the petitioners that they have clean antecedent, which is evident from para 3 of the petition. It has further been submitted that there is land dispute between the parties and both the petitioner and the informant and his family members are Gotias and Revenue Appeal No. 01 of 2005 is pending before the learned Court of Sub-divisional Officer, Baisi. Furthermore, it is submitted that the present case is a counter blast case of Baisi P.S.Case No. 36 of 2015 for same and similar offences, and as alleged in the present case altercation took place between both the parties on the same date in which both parties received injuries.

Be that as it may, let the petitioners, above named, in the event of their arrest/surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of

the like amount each to the satisfaction of learned Sub Judge-II,  
Purnea-cum- A.C.J.M., Purnea, in connection with Baisi P.S.Case  
No. 37 of 2015, subject to the conditions as laid down u/s 438(2)  
Cr.P.C.

**(Nilu Agrawal, J)**

singh/-

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