

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 50867 of 2015

Arising Out of PS.Case No. -225 Year- 2015 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

- =====
1. Md. Riyaz @ Md. Riyz.
 2. Md. Niyaz.
 3. Md. Zakir.
 4. Md. Zahid. All Sons of Md. Yahiya.
 5. Md. Yahiya, Son of Md. Shoduddin.

All residence of Village- Taraiya,P.S. Mufassil, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 10-11-2015 Heard learned counsel for the petitioners,

learned A.P.P. for the State and learned counsel for the

informant, who has suo motu appeared.

The petitioners apprehend arrest in Muffasil

P.S. Case No. 225 of 2015 dated 02.07.2015 instituted under

Sections 447/504/323/307/379/34 of the Indian Penal Code.

The allegation against the petitioners is of

general and omnibus assault on the informant and specific

against petitioner no. 1 of assault on the head of the

informant with the butt of the pistol resulting in fracture of the skull and further of taking away Rs. 2,000/- and against petitioner no. 5 of taking away the Laptop.

Learned counsel for the petitioners submits that all belong to the same family. Petitioners no. 1 to 4 are the sons of petitioner no. 5 who himself is almost 80 years of age and there is land dispute between the parties. It is submitted that the allegations are general and omnibus with the cosmetic addition of snatching of Rs. 2,000/- and taking away of Laptop.

Learned A.P.P. and learned counsel for the informant oppose the prayer for anticipatory bail and submit that the informant was assaulted by the petitioners. However, he is not in a position to controvert that there is land dispute and specific allegation of assault is against petitioner no. 1.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 2, 3, 4 and 5 be released on bail upon furnishing 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, Begusarai in Muffasil P.S. Case No. 225 of 2015, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

The prayer for anticipatory bail of petitioner
no. 1 stands rejected.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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