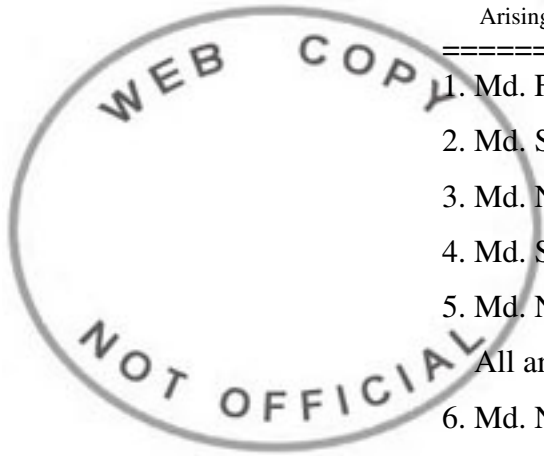


IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3317 of 2015

Arising Out of P.S. Case No. -144 Year- 2013 Thana -BIHARIGANJ District- MADHEPURA



- =====
1. Md. Fakare Alam
 2. Md. Sadare Alam
 3. Md. Noor alam
 4. Md. Samsad Alam @ Md. Samsad
 5. Md. Nausad Alam @ Md. Nusad,
- All are sons of Abdul Majid
6. Md. Najmul Alam @ Najmul, Son of Md. Sadare Alam
 7. Md. Ibran @ Md. Imran, Son of Md. Badare Alam,
- All are Resident of Village – Datauli, Bangsopal, P.S. - Puraini, Distt.-
Madhepura
8. Jiyauddin, Son of Md. Mojim, Resident of Village - Chanda, P.S-
Puraini, Distt. - Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 27-01-2015 Heard both sides.

The petitioners, eight in number, are apprehending their arrest in a case registered under Section 307 and other sections of the Indian Penal Code.

The informant alleged that the accused persons, having armed with different weapons, came on his land and began to construct a house. On protest, the petitioners are alleged to have

assaulted the informant and other members of his family.

Learned counsel for the petitioners submits that there is a counter-version, being Bihariganj P.S. Case No. 144/13, and Md. Noor Alam, petitioner no. 3, is the informant of the aforesaid case. Md. Noor Alam and others also got injuries. The land belongs to the petitioners as he had purchased the same from one Anant Prasad Singh in the year 1995. The informant did not produce any chit of papers to show the ownership of the land.

Learned A.P.P., on the other hand, vehemently opposed the prayer for anticipatory bail.

On perusal of the records, it appears that the dispute appears to have arisen on account of construction of a house over a piece of land. The informant and the petitioners have raised claim over the said piece of land against each other. Md. Fakare Alam, petitioner no. 1, is alleged to have assaulted the informant Md. Khalil, but it appears that Md. Khalil got simple injury. Md. Noor Alam is alleged to have assaulted Md. Afroz and petitioner no. 6 Md. Najmul Alam is alleged to have assaulted Md. Umar. Md. Umar & Mr. Afroz got grievous injury. There is no specific allegation of assault against petitioner no. 2 Md. Sadare Alam, petitioner no. 4 Md. Samsad Alam @ Md. Samsad, petitioner no. 5. Md. Nausad Alam @ Md. Nausad, petitioner no. 7 Md. Ibran @

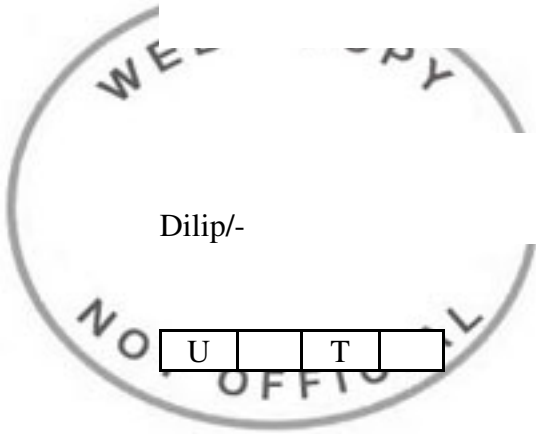
Md. Imran and petitioner no. 8 Jiyauddin.

Having considered the facts aforesaid that on account of assault made by Md. Fakre Alam, simple injury is caused to Md. Khalil and there is no specific allegation against the above named petitioners no. 1, 2, 4, 5, 7 & 8, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, they are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri P.K. Choudhary, Judicial Magistrate, Udakishunganj, District – Madhepura in Bihariganj P.S. Case No. 144/2013, corresponding to G.R. No. 2100/13, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 3 Md. Noor Alam and petitioner no. 6 Md. Najmul Alam @ Najmul are concerned, they are alleged to have assaulted Md. Afroz and Md. Umar and both of them have got grievous injuries, I am not inclined to enlarge the above named petitioners no. 3 and 6 on anticipatory bail in Bihariganj P.S. Case No. 144/2013, corresponding to G.R. No. 2100/13, and the same is rejected.

If the petitioners no. 3 and 6 surrender in the court

below and make prayer for regular bail, the court below shall consider the same without being prejudiced by the present order.



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(Prabhat Kumar Jha, J)