

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42164 of 2015

Arising Out of PS.Case No. -38 Year- 2015 Thana -MORKAHI District- KHAGARIA

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1. Md. Nasim Son of Late Jasim
2. Md. Lalo Son of Iliyas
3. Md. Shahanwaj @ Shahanwaj Son of Md. Kalim
4. Md. Sadam @ Md. Imran Son of Md. Farooque
All are resident of village - Marar, Dakshhini, P.S. Morkahi, Distt. -
Khagaria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Shyam Bihari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

2 14-10-2015 Heard the learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners, namely, Md. Nasim, Md. Lalo, Md. Shahanwaj @ Shahanwaj and Md. Sadam @ Md. Imran apprehend their arrest in Morkahi P.S. Case No.38 of 2015 under Sections 323, 341, 325, 144, 324, 307 and 379/34 of the Indian Penal Code.

The learned counsel for the petitioners submitted that the petitioners and the informants are next door neighbours and there is land dispute between them. A counter case has also been filed by the petitioner's party against the informant's party and

both the parties have also received injuries. In such circumstances, according to the learned counsel, no case under Section 307 I.P.C. is made out. So far commission of theft is concerned, according to the prosecution case itself, the seeds and the fertilizers were stolen away.

On the other hand, the learned A.P.P. objected the prayer.

Considering the above facts that the parties are next door neighbours and there is land dispute and further, that there is cases and counter cases, I direct the petitioners named above to surrender before the court below within six weeks from today and on their so surrendering, the court below is directed to release the petitioners on bail on furnishing bail bond of Rs.5,000/- (Rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Khagaria in connection with Morkahi P.S. Case No.38 of 2015.

(Mungeshwar Sahoo, J)

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