

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53501 of 2015

Arising Out of PS.Case No. -309 Year- 2015 Thana -PURNEA SADAR District- PURNIA

1. Md. Jamirul Rahman @ Jamirul son of Ansur Rahman a resident of village- Mirzapur, P.S. Sadar, District Purnea

2. Md. Babar son of Late Humayun

3. Md. Saiful @ Saiful son of Md. Babar

Both are resident of village- Miya Bazar, P.S. Sadar, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-11-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 324, 307, 302 of the Indian Penal Code.

The prosecution case is that the informant's father Abdul Latif and his relative purchased the land at village Mirzapur from Abdul Rasheed in the year 2013 and they were in possession. On 5/6.08.2015 in the night co-accused Anisur Rahman and others set the hutment of informant on fire, thereafter on 08.08.2015 the father of



the informant and his relative were constructing the hutment, which was protested by the accused persons and the petitioners and others came variously armed and attacked the persons, who were constructing the hutment. It is specifically alleged that on the order of co-accused Anisur Rahman, co-accused Mursalim gave sickle blow on the neck of the father of the informant. Subsequently, father of the informant succumbed to the injury. Though, in the said occurrence Muzamil Haque, Vakil Ahmad and Tajammul Haque also received injuries.

It is submitted by the learned counsel for the petitioners that the injuries of other injured have been found to be simple in nature and the accusation of assaulting them is omnibus and general, whereas accusation of assaulting the father of the informant is specific against Md. Mursalim (non-petitioner). The accusation has been levelled in the background of land dispute.

Considering the fact that specific overt act has not been alleged against the petitioners, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Purnea in connection with Purnea Sadar P.S. Case No. 309 of

2015, subject to conditions as laid down under Section 438(2)
of the Code of Criminal Procedure.



(Dinesh Kumar Singh, J)