

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43347 of 2015

Arising Out of PS.Case No. -208 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Md. Khalid

2. Md. Juber @ Md. Juber Alam both sons of Late Mir Unus Resident of village - Khrail Puranbas, Ward No. 16, Police Station & District Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ansul with Mr. Arun, Advocates

For the Opposite Party/s : Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 21-12-2015

Heard learned counsel for the petitioners and learned

Additional P.P. for the State.

The petitioners pray for anticipatory bail in a case under Sections 147, 149, 341, 323, 324, 325, 354, 379 and 307 of the Indian Penal Code.

Learned counsel for the petitioners submits that it has come during the course of investigation in the statements of several independent witnesses that it was the husband of the informant who was trying to erect a hut encroaching upon the land of the petitioners and upon the petitioners' resisting the same a fight broke out in which both the parties have received injuries and case and counter case have been filed.

Learned counsel for the informant, on the other hand, submits that the counter case has been filed three days after the occurrence to which learned counsel for the petitioners replies that the injured persons of both sides had been referred to the hospital and were under treatment and since Panchayati was directed to be

called in the matter by the co-villagers, therefore, the petitioners' side FIR was not immediately lodged.

It is further submitted that there is no repetition of the blow on the head of the husband of the informant and the whole incident took place because of the intrusion of the informant's party. It is further submitted that one of the co-accused Md. Sanaullah, against whom there was allegation of brandishing of pistol and demanding extortion, has been granted anticipatory bail by this Court by order dated 3.11.2015 passed in Cr.Misc.No. 45340 of 2015. It is also submitted that the petitioners have no criminal history.

On a consideration of the facts and circumstances of the case, it is directed that the petitioners, namely, (1) Md. Khalid and (2) Md. Juber @ Md. Juber Alam, in the event of their arrest/surrender in the court below within a period of four weeks from today, shall be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each in connection with Supaul P.S.Case No. 208 of 2015 to the satisfaction of the Chief Judicial Magistrate, Supaul, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ramesh Kumar Datta, J)

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