

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21067 of 2015

Arising Out of PS.Case No. -853 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Sk. Iliyas @ Aliyas son of Sk. Jabbar
 2. Sk. Kamrul Haque @ Kamrul Haque Son of Sk. Zahuriddin
 3. Sk. Bhola son of Sk. Kamrul
 4. Sk. Jabbar, son of Sk. Yasin
 5. Sk. Gaffar Son of Sk. Yasin
 6. Sk. Jauvad @ Jauwad Son of Sk. Jabbar
 7. Sk. Seraj Son of Sk. Jabbar
 8. Sk. Saiyad @ Saiyad son of Sk. Jabbar
 9. Sk. Intajarul @ Intejarul Haque Son of Sk. Jamil Akhtar
 10. Sk. Antasarul @ Antasarul @ Wahira Son of Sk. Kamrul
 11. Sk. Luluwa Son of Sk. Kamrul Haque
 12. Sk. Ekbal Son of Sk. Gaffar
 13. Sk. Sajid @ Md. Sajid, son of Gaffar
 14. Sk. Kalam @ Md. Kalam, son of Gaffar
 15. Sk. Majid @ Majid Anwar Son of Gaffar

All residents of village - Belghatti, P.S. - Turkauliya, District - East Champaran.

16. Sk. Murtuta @ Sk. Murtuza @ Murtuza Son of Md. Ekram resident of Village - Malmalti, P.S. - Sugauli, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar
For the Opposite Party/s : Mr. G.S.Gupta(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 03-07-2015 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Turkauliya P.S. Case No. 853 of 2014 registered for the offences

punishable under Sections 147, 148, 149, 323, 324, 307, 387 of the Indian Penal Code.

Petitioners are named in the first information report but except petitioners no. 1, 3 and 4, no specific overt-act has been attributed against the rest petitioners. So far as petitioner no. 1 is concerned, it is alleged that he gave sword blow to injured Sanaul Haque whereas petitioner no. 3 assaulted the Jamirul Haque by sword and petitioner no. 4 assaulted the injured Sheikh Aziz by means of lathi. Injured Sheikh Aziz as well as injured Jamirul Haque sustained only abrasions and bruises and all the above stated injuries were found simple in nature, said to be caused by hard and blunt substance. So far as injured Sanaul Haque is concerned, he sustained three injuries, said to be caused by sharp cutting weapon but all the three injuries were found simple in nature.

The contention on behalf of the petitioners is that there was land dispute between the parties and for the above stated land dispute a title suit was also pending. It is further contended that as a matter of fact, on the alleged date of occurrence, the prosecution party forcibly wanted to plough the land to which petitioners raised alarm but prosecution party attacked on the petitioners as a result of which, petitioner no. 4 and several other

persons sustained injury for which Turkauliya P.S. Case No. 867 of 2014 was registered against the prosecution party on the written report of petitioner no. 4.

Considering the aforesaid facts and circumstances as well as nature of injuries, particularly, keeping in mind that both parties sustained injuries and the alleged occurrence took place on account of land dispute, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in Turkauliya P.S. Case No. 853 of 2014 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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