

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41844 of 2014

Arising Out of PS.Case No. -165 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

- =====
1. Jamil Ahmad Son of Wakil Ahmad
 2. Faiyaz Ahmad @ Sanu Son of Mumtaz Ahmad
 3. Khalid Rizwan @ Prince Son of Jamil Ahmad
- All Resident of Village- Sirisiya, P.S.-Kuchaikot, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan

For the Opposite Party/s : Mr. Pramod Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 20-03-2015 Heard the learned counsel, Mr. Farooque Ahmad on behalf of the petitioners, (1) Jamil Ahmad, (2) Faiyaz Ahmad @ Sonu and (3) Khalid Rizwan @ Prince who apprehends their arrest in connection with Kuchaikot P.S. Case No.165 of 2014, G.R.2166 of 2014 registered under Section 147, 148, 149, 323, 341, 325, 307 and 504 of the IPC.

It appears that FIR was lodged by one Ambega Khatoon lodging that these petitioners along with co-accused Reyaz Ahmad and another, Ashfaque Ahmad came with weapons, lathi and danda and rod and then they started abusing the son of informant. When the son of the informant objected then Jamil Ahmad order to kill Mukhiya and thereafter Reyaz Ahmad with intention to kill



her son assaulted on the head, as a result of which the head ruptured. Second time also, he repeated the blow on the son of the informant. Jamil Ahmd pushed her as a result of she felled down then Reyaz Ahmad repeated assaulted the son of the informant. When the son of the informant stepped they assault his hand and it was broken and her son became senseless. Subsequently, also he was assaulted with lathi and danda and second hand was also broken.

The learned counsel for the petitioner submitted that there is counter case also filed by the petitioner No.1 against the informant party including Mukhiya, i.e., son of the informant, which is also under Section 307 IPC. The learned counsel further submitted that there was dispute between both the parties regarding the land. The Mukhiya was objecting the construction which was being made by the petitioner No.1 on his own land, and therefore, there was free fighting between both the parties.

Heard the learned APP also. Heard the learned counsel, Mr. Ranjeet Kumar Pandey appearing on behalf of the informant.

The learned counsel for the informant submitted that the injury report produced by the petitioner are manufacturing injury report, therefore, the Court below has constituted a Medical Board for examining and giving the report regarding the nature of the

injury. The learned counsel further submitted that regular bail of co-accused, Ashfaq Ahmad has already been rejected by this Court, therefore, this is not a case of anticipatory bail. The learned counsel further submitted that there are criminal antecedent of the petitioners, at least three cases are pending against Riyaz Ahmad and Ashfaq Ahmad and Jamil Miyan.

Perused the record.

The injury report annexed with the bail application shows that only simple injuries were found. The allegation of assault is against Riyaz, the co-accused and another co-accused Ashfaq. According to the learned counsel for the informant, the prayer for regular bail of Ashfaq Ahmad has already been rejected. Therefore, from the allegation as made in the F.I.R. it appears that the case of Ashfaq is of different footing and the case of this petitioner is different footing, admittedly there is land dispute between the parties and counter case is also pending.

In view of the above facts and circumstances of the case, I direct all the abovenamed three petitioners, in the event of their arrest / surrender within one month from today to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of the C.J.M., Gopalganj in

connection with Kuchaikot P.S. Case No.165 of 2014, G.R.2166
of 2014, subject to condition as laid down under Section 438 (2) of
the Cr.P.C.

(Mungeshwar Sahoo, J)

Sanjeev/-

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