

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49153 of 2015

Arising Out of PS.Case No. -115 Year- 2015 Thana -NANHPUR District- SITAMARHI

Neyaj Ahmad @ Neyaz Ahmad Sidhiqui, S/o Late Lliyas, R/o village -
Paktola, P.S.- Nanpur, District- Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.50400 of 2015

Arising Out of PS.Case No. -115 Year- 2015 Thana -NANHPUR District- SITAMARHI

Md. Khalilur Rahman Son of Late Mujibur Rahman, R/o Village- Bharaun,
P.S.- Nanpur, District- Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.49153 of 2015)

For the Petitioner/s : Mr. Dhramveer, Adv.

Mr. C.K. Kashyap, Adv.

For the Opposite Party/s : Ms. Gulnar Begum (App)

(In Cr.Misc. No.50400 of 2015)

For the Petitioner/s : Mr. Dhramveer, Adv.

For the Opposite Party/s : Mr. Maduranand Jha (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 30-01-2016 Heard learned counsel for the petitioners as well as
learned A.P.P. for the State.

Above noted both the applications have arisen out of
one occurrence i.e Nanpur P.S. Case No. 115/2015 registered for
the offences punishable under Sections 147, 341, 323, 307,
379/504 of the Indian Penal Code and as such have been heard

together and are being disposed of by this common order.

Allegedly, the petitioners and other co-accused armed with iron rod came at the wheat field which was harvested by the informant and then on the order of petitioner Neyaz Ahmed, petitioner Md. Khalilur Rahman and co-accused Jamilur Rahman assaulted with rod causing injury to the informant and he fell down and then also he was assaulted with lathi, danda, fist, legs and bricks and further snatched Titan wrist watch and took away wheat bundle.

Submission is of false implication and that there is case and counter case bearing Nanpur P.S. Case No. 106/2015, admittedly there was land dispute, the informant has received two injuries whereas the petitioner Khalilur Rahman has also received four injuries, there was no intention to commit murder, no offence under Section 307 of the IPC is made out, allegation under Section 379 of the IPC is super-addition and as such the petitioners who are suffering in custody since 23.08.2015 deserve sympathetic consideration as charge-sheet has already been submitted and there is no chance of tampering the evidence.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner Md. Khalilur Rahman assaulted the informant causing injuries.

In the facts and circumstances stated above, considering the detention of the petitioners, the petitioners, above named, are directed to be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Nanpur P.S. Case No. 115/2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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