

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5008 of 2016

Arising out of PS. Case No. -215 Year- 2015 Thana -LAUKHI District- MADHUBANI

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1. Md. Samsi @ Md. Shamsi son of Md. Farmud,
 2. Md. Sayeed @ Md. Sahid @ Md. Said, son o Md. Farmud,
 3. Md. Mumtaz, son of Md. Mazlum,
 4. Md. Motiur Rahman, son of Md. Mazlum, All resident of village – Sanpataha, P.S. - Laukahi, District - Madhubani.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

Dr. Leelawati Kumari, Advocate

For the Opposite Party/s : Smt. Rita Verma (APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 18-03-2016

Heard the parties.

The four petitioners apprehend their arrest in connection with Laukahi P.S. Case No. 215 of 2015 for offences punishable under Sections 147, 149, 323, 324, 307, 337, 338, 447, 448, 427, 379 and 504 of the Indian Penal Code.

Ms. Leelawati Kumari, learned counsel for the petitioners submits that there is a bona fide land dispute in between the parties and the case in question is an outcome thereof. She submits that there are case and counter case instituted by the rival parties. She further submits that although a number of persons have been made accused in the present case but the allegations are general and omnibus except for a few specific allegations. She thus submits that in the nature of the altercation taking place the petitioners deserve anticipatory bail.

Having heard learned counsel for the parties and

considering the specific allegation made against the petitioner no. 3 Md. Mumtaz of assaulting the informant as well as his grandson, I am not persuaded to grant indulgence to the prayer made on his behalf and this application insofar as the petitioner no. 3 Md. Mumtaz is concerned, is disposed of with a direction to him to surrender before the court below and pray for regular bail which application should be considered on its own merit and be disposed of without being prejudiced by the order passed in the present proceedings.

Insofar as the petitioner no. (1) Md. Samsi @ Md. Shamsi; petitioner no. (2) Md. Sayeed @ Md. Sahid @ Md. Said; and petitioner no. (4) Md. Motiur Rahman are concerned, considering the omnibus nature of allegation made against them let these petitioners in the event of their arrest or surrender within four weeks from today 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 Judicial Magistrate, 1st Class, Madhubani in connection with Laukahi P.S. Case No. 215 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Application is allowed in part.

(Jyoti Saran, J)

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