

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7254 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -NAUHATTA District- SAHARSA

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1. Md. Musso @ Md. Masrul Son of Late Md. Suleman resident of village -
Madarsa Tola (Nauhatta), P.S. Nauhatta, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar

... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 147, 149, 323, 504, 447, 307, 427, 379 and 363 of the Indian Penal Code.

The prosecution case is that in the absence of informant the petitioner, being a neighbour, constructed a hut in the mango orchard of the informant, which was subsequently demolished by the informant side. On 09.04.2015 the FIR named accused persons, including the petitioner, variously armed, came and petitioner gave lathi blow on the head of father of the informant due to which he fell down and blood started oozing and when the informant and his wife came to rescue the accused persons assaulted them also and in the occurrence three mango trees were damaged. It is further alleged that accused Subeda Khatoon took

out silver locket of the wife of informant and the accused persons took away Md. Abdulla, son of informant, aged about five years, and his three years old daughter.

It is submitted by the learned counsel for the petitioner that in the background of land dispute the accusation has been levelled. The petitioner is alleged to have assaulted the father of informant but all injuries of the father of informant have been found to be simple in nature and for the occurrence dated 09.04.2015 the FIR was registered on 17.04.2015 though the fard bayan was recorded on 09.04.2015. Statement has been in paragraph 3 of the petition that the petitioner has no criminal antecedent.

The aforesaid facts constitute grounds for consideration of the prayer for regular bail of the petitioner by the learned court below in case the petitioner surrenders within six weeks from today in connection with Nauhatta P.S. case No. 79/2015 pending in the court of learned CJM, Saharsa.

This application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

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