

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6232 of 2016

Arising Out of PS.Case No. -202 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

- =====
1. Md. Naim Son of Khalil
 2. Ayoob son of Khalil
 3. Jakir Son of late Aghnu
 4. Khalil son of late Aghnu All are residents of Village-Marhi, Chaulhar, P.s Azamnagar, District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Bharat Bhushan(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,323,324,325 and 307 of the Indian Penal Code.

The prosecution case is that the accused persons formed an unlawful assembly and cut down bamboo trees from the orchard of the informant. On protest being made, co accused Nayeem assaulted with Dabiya repeatedly on the head of the informant causing injury. Petitioner no. 2

Ayoob assaulted the informant's brother Sahid with Dabiya causing injury on his head. Co accused Saddam assaulted Sahid by bamboo causing uprooting his teeth. Co accused Fultu caused injury to Khalid with Dabiya and informant's wife causin injury on her person. Thereafter, co accused Sajan assaulted the informant and his family members.

It is submitted by the learned counsel for the petitioners that in the background of land dispute the accusation has been levelled against the petitioners. Except on injury to Sahid, all the injuries of all the injured have been found to be simple. The said injury is alleged to have caused by co accused Saddam. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that specific accusation has only been levelled against petitioner Ayub but his assault has not caused any grievous injury and Statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs.

10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Katihar, in connection with Azamnagar P.S. Case No. 202 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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