

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6476 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BAHADURPUR District- PATNA

Sarwar Abdin son of Late Moinul Abdin, resident of Mohalla- Sandalpur,
P.S.- Bahadurpur, District- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

Criminal Miscellaneous No.8686 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BAHADURPUR District- PATNA

Rahbar Abdin Son of Sarwar Abdin resident of Village Sandalpur P.S.
Bahadurpur District Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

Criminal Miscellaneous No.7000 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BAHADURPUR District- PATNA

Danish Abdin son of Sarwar Abdin resident of Mohalla - Sandalpur, P.S. -
Bahadurpur, District – Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In Cr.Misc. No.6476 of 2016)

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. Amrendra Prasad(APP)

(In Cr.Misc. No.8686 of 2016)

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. L.K. Sharma (APP)

(In Cr.Misc. No.7000 of 2016)

For the Petitioner/s : Mr. Madan Jeet Kumar

For the Opposite Party/s : Mr. Md. Ansural Haque(APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

12 17-10-2016

Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Learned counsel for the Informant, though having

entered appearance, is absent.

The petitioners of Cr. Misc. No. 6476 of 2016, Cr. Misc. No. 8686 of 2016 and Cr. Misc. No. 7000 of 2016 are apprehending their arrest in connection with Bahadurpur P.S. Case No. 139 of 2015 for the offences registered under Sections 147, 148, 149, 323, 307, 384, 337, 379, 504 and 427 of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal has been added.

Learned counsel appearing on behalf of the petitioners submits that there is history of litigation between the parties and there is a case and counter between the parties on account of land dispute which had occurred due to sale and purchase of land located at Sandalpur, in the district of Patna. It is further submitted that on the date of occurrence there was a dispute with regard to a piece of land where some constructions were sought to be made. The petitioners as well as the family members were resisting such constructions which led to a free fight and stone pelting. It was on account of such stone pelting that a woman, who had come to give food to the labourers, got injured and she subsequently succumbed to her injuries. It is further submitted that with regard to the same occurrence a proceeding under Section 144 Cr.P.C. had also been drawn up and a title suit has been filed. Though there is also status quo with regard to the



land in question, yet the side of the informant was trying to construct a godown which had caused exchange of words and thereafter some incident of stone pelting also took place. With regard to the same occurrence, the petitioners also wrote to the Senior Superintendent of Police and, accordingly, Bhadurpur P.S. Case No. 165 of 2015 was also registered. It is in connection with the same incident that the petitioners are apprehending their arrest. It is further submitted that on perusal of the FIR, it appears that it does not assign any particular role to the present petitioners who are said to have also participated in the free fight which unfortunately resulted into the death of the lady.

Learned counsel appearing on behalf of the State after perusal of the case diary submits that though no specific allegation has been assigned to any of the petitioners, admittedly, the victim lady had received injuries on account of stone pelting and all along during the course of investigation, it has been reported that the occurrence of stone pelting took place from both sides on account of construction of godown being made on the land over which there was some prohibitory order. The victim lady had received injuries on account of such stone pelting but it cannot be said with exactitude that it was the stone pelted by the present petitioners which had in fact hit the victim

lady.

Having heard learned counsel for the parties and there being no further cogent materials in the case diary, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Bhadurpur P.S. Case No. 139 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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