

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37115 of 2016

Arising Out of PS.Case No. -84 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Fakharuddin @ fakharuddin S/o Late Haseen Akhtar
 2. Jawed Akhtar @ Jawed
 3. Parwez
 4. Md. Firoz Alam @ Firoz
 5. Sadam, All sons of Md. Fakharuddin R/o village-Lahsaniya Pachpakari,
P.S. Patahi, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar
For the Opposite Party/s : Mr. Ganesh Prasad Singh
For the Informant : Mr. Dilip Kumar Tondon

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

2 19-09-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Patahi Town Police Station Case No. 84 of 2016,
disclosing offences under Sections 147, 148, 341, 323, 324, 307,
379, 504 and 506 of the Indian Penal Code.

The petitioner no.1 and the informant are full
brothers. The petitioner nos.2 to 5 are sons of the petitioner no.1.

Allegedly, the petitioners took away some quantity
of Banana from the land, which, belongs to the informant and on
objection, having been raised, they assaulted. It is also alleged the
accused persons snatched a sum of Rs. 15,000/- from the

informant.

Learned counsel appearing on behalf of the petitioners has submitted that the field, from where, the Bananas were taken by the petitioner no.1 and his sons, as a matter of fact, belong to them and not the informant. It has been submitted that the allegations made in the First Information Report are incorrect.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for bail and has submitted that considering the nature of allegation and the resultant injury caused on the informant, the petitioners do not deserve the privilege of anticipatory bail.

However, considering the nature of accusation and dispute, between the parties, this application is accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within six weeks, 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 Chief Judicial Magistrate, East Champaran at Motihari, in connection with Patahi Police Station Case No. 84 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

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