

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52807 of 2016

Arising Out of PS.Case No. -197 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Hasbun Nessa, wife of Mobarak Mian.
 2. Hefazul Sheikh, son of Late Monaf.
 3. Bahram Sheikh, son of Sheikh Bhola.
 4. Sheikh Gorakh alias Dilnawaj Sheikh, son of Bhola Khalifa.
- All residents of Village - Nautanwa, P.S. - Shikarpur, District - West Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 07-12-2016 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Shikarpur P.S. Case No.197 of 2016 registered under Sections 147, 148, 149, 323, 324, 307 and 504/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that 12 persons, named in the F.I.R., including the petitioners, armed with Lathi, Bhala, Garasa, Farsa and gun reached near the informant Khursheed Alam and started to abuse him. At that time, the co-accused Bhola Khalifa caused



injury at the head of the informant through Garasa. On 'hulla' being raised by the informant, when Sheikh Nathuni and Sheikh Bikau, the brothers of the informant, rushed to save him, the accused persons including the petitioners started to assault to them through Garasa and Lathi causing injury at the right hand of Sheikh Nathuni and at the head of one Md. Anwar. At that time, the co-accused Mojamil shot fire causing injury at the left eye of Sheikh Bikau.

Learned counsel appearing on behalf of the petitioners submits that, in fact, no injury was sustained by the informant and the injury, as found on the right palm of Sheikh Nathuni, which is abrasion, is simple in nature caused by hard and blunt substance and the injury, as found on left eye of Bikau, which is swelling, is simple in nature caused by hard and blunt substance. Moreover, no specific overt act is attributed to the petitioners to cause injury to anyone. Further submission is that, in fact, due to land dispute, the occurrence of "Maar-Peet" took place in between the parties in which the petitioners' side also sustained injury regarding which Shikarpur P.S. Case No.196 of 2016 under Sections 147, 148, 149, 323, 324, 307, 354(B) and 504 of the Indian Penal Code was instituted on the basis of the written report of the co-accused Mobarak Mian against the informant and others.



Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No.197 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

