

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35631 of 2016

Arising Out of PS.Case No. -225 Year- 2015 Thana -BARAULI District- GOPALGANJ

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1. Nasim Mian @ Mohammad Nasim son of late Yasin Miyan.
2. Ladan Mian @ Wasim Akram
3. Dil Mohammad @ Mumtaz Ali
4. Badshah Mian @ Juned Mian
All 2 to 4 sons of Nasim Mian @ Mohammad Nasim R/o village Kahla
Subhani Tola Police Station Barauli, Dist. Gopalganj.
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 26-09-2016 Heard the learned counsel for the petitioners and informant.

All the petitioners herein are named accuseds of Barauli P.S. case no. 225 of 2015, registered under Sections 447, 341,323,324,307, 504/34 of the IPC.

It is alleged that accused persons tried to forcibly construct a wall on the land claimed by the informant for which even a Title Suit was filed by the informant. When the same was protested, it is alleged, that all of them started assaulting the family inmates. Petitioner no.1 is said to have assaulted on the head of the informant with 'Farsa'. When the wife came to his rescue, it is alleged, that petitioner no.2 assaulted her with 'lathi'

on different parts of the body. Similarly, the allegation against the petitioner nos. 3 and 4 is that they assaulted the two daughters of the informant who had come to rescue the parents.

Contention of the petitioners is that owing to a land dispute the occurrence had taken place. Although the suit filed by the informant is decreed but the appeal filed thereagainst is pending. Petitioner nos. 1 and 2 have no criminal antecedents whereas petitioner nos. 3 and 4 have some cases of identical nature lodged against them but in connection with the same land dispute.

Learned counsel for the informant, on the other hand, opposed the prayer and submitted that almost all the injured(s) of the present case have received grievous injury on their persons.

Looking to the manner of occurrence and the corresponding injuries sustained by the four injured(s), I am not persuaded to extend them the privilege of anticipatory bail. Prayer is accordingly rejected.

(Kishore Kumar Mandal, J)

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