

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1652 of 2016

Arising Out of PS.Case No. -221 Year- 2015 Thana -SURSAND District- SITAMARHI

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1. Md. Arse Khan, Son of Essad Khan, resident of Village- Kumma, P.S. Sursand, District- Sitamarhi..... Petitioner

Versus

1. The State of Bihar Opposite Party

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with

Criminal Miscellaneous No.6143 of 2016

Arising Out of PS.Case No. -221 Year- 2015 Thana -SURSAND District- SITAMARHI

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1. Md. Mustaque Khan Son of Ahmad Khan
2. Md. Kauhsar Khan Son of Mustaque Khan
3. Saidar Khan Son of Mustaque Khan
All residents of village - Kumma, P.S. Sursand, District - Sitamarhi
..... Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

(In Cr.Misc. No.1652 of 2016)
For the Petitioner/s : Mr. Dheeraj Kumar
For the Opposite Party/s : Mr. B.Ram (App)
(In Cr.Misc. No.6143 of 2016)
For the Petitioner/s : Mr. Ashhar Mustafa
For the Opposite Party/s : Mr. Nitya Nand Tiwary (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 11-03-2016 Above noted both the applications have arisen out of one occurrence i.e. Sursand P.S. Case No. 221 of 2015 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.

Allegedly, the petitioners and other FIR named accused persons number in fourteen started assaulting Md. Samal Khan,

the father of the informant with khanti, rod, sawal, bamboo pieces, bricks and stones and when Sakamuddin Khan, the brother of the informant, went for rescue he was also injured and Aslam Khan was instigating to kill and they assaulted brutally to father of the informant and later on he died in the way to PMCH.

Submission is of false implication and that there is general and omnibus allegation against the petitioners, there is case and counter case, admittedly, due to land dispute the occurrence has taken place, there was no motive for committing the crime and the manner of occurrence as alleged by the informant is not the true version and as such the petitioners who are suffering in custody having no criminal antecedent deserve sympathetic consideration to which the learned APP dully assisted by learned counsel for the informant opposes by submitting that all have assaulted brutally to father of the informant.

In the facts and circumstances stated above, considering that there is no specific allegation against the petitioners, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri Jai Prakash Kisku, J. M. Ist Class, Pupri at Sitamarhi in connection with Sursand P.S. Case No. 221 of 2015, subject to the conditions

that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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