

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3197 of 2016

Arising Out of PS.Case No. -202 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

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1. Saddam, Son of Khalil
 2. Imtiyaz, Son of Khalil
 3. Sajan, Son of Zakir
 4. Fultu son of Late Aghnu
 5. Akhtar, son of Fultu
 6. Akhtari Khatoon, wife of Fultu
 7. Saida Khatoon, Wife of Khalil
 8. Asmat Ara, wife of Aiyub
 9. Sagufta Khatoon wife of Nayyam
 10. Ansari Khatoon, wife of Tukur
 11. Meharajun Khatoon, wife of Zakir All of Resident of Village- Marhi Choulhar, P.S. Azamnagar, District- Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Musowir, Advocate

For the Opposite Party : Mr. Amit Kr. Rakesh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-01-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325 and 307 of the Indian Penal Code.

The prosecution case is that the accused persons formed unlawful assembly and cut down bamboo trees from the orchard of the informant. On protest being made co-accused Nayeem assaulted with Dabiya on the head of the informant repeatedly causing injury. Co-accused Ayub assaulted the informant's brother

Sahid by Dabiya causing injury on his head. Petitioner no. 1 Saddam assaulted Sahid by bamboo causing uprooting his teeth. Petitioner no. 4 Fultu caused injury to Khalid with Dabiya and informant's wife causing injury on her person. Thereafter, petitioner no. 3 Sajan assaulted the informant and his family members.

It is submitted by the learned counsel for the petitioners that in the background of land dispute the accusations have been leveled against the petitioners. The injuries found to be simple in nature. Statement has been made in paragraph-3 of the petition that the petitioners have got no criminal antecedent.

Considering the nature of accusation that petitioner no. 1 Saddam has caused grievous injury, this Court is not inclined to enlarge the petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected. Let the learned court below consider the prayer for regular bail of the petitioner no. 1, if he surrenders within a period of six weeks in connection with Azamnagar P.S. Case No. 202 of 2015 pending in the court of the learned Judicial Magistrate Ist Class, Katihar. Accordingly, this application so far as it relates to petitioner no. 1 is disposed of.

Considering the facts aforesaid, let the above named petitioner nos. 2 to 11 be released on anticipatory bail, in the event

of arrest or surrender before the learned court below within a period of 12 weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Katihar in connection with Azamnagar P.S. Case No. 202 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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