

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10049 of 2016

Arising Out of PS.Case No. -200 Year- 2015 Thana -BARARI District- KATIHAR

- =====
1. SARABANO @ SARBANO, W/o- Hanej
 2. Abida Khatoon, W/o- Sk. Manjoor Alam
- Both are Resident of village- Jagdishpur, P.S.- Barari, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-05-2016

Heard learned counsel for the petitioners, learned

APP for the State as also learned counsel appearing on behalf of
the informant.

Petitioners apprehend arrest in connection with
Barari P.S. Case No. 200/15 for offences alleged under Sections
147, 148, 149, 447, 341, 323, 307, 302, 504 of the Indian Penal
Code.

The prosecution case, as lodged by the informant,
is that on 25.10.2015 at 9.00 A.M. when he was scattering
fertilizer in the field saw his brother Sk. Hanuj making ridge
encroaching his land. On protest by the informant Sk. Hanuj
ordered to beat, petitioners gave *lathi* to the co-accused and they
started assaulting the informant. When son of the informant came

to save him, Sk. Hanuj with intention to kill him gave a *kudal* blow on the head causing bleeding injury.

It has been submitted by the learned counsel for the petitioners that they are innocent having committed no offence, petitioners side and the informant side are close relations and the dispute was regarding boundary wall of the field of the two brothers. He submits that no specific allegation has been levelled against the petitioners, rather there is general and omnibus allegation and specific overt act is against co-accused Sk. Hanuj, who has surrendered in the court below on 29.10.2015. It has further been submitted that petitioner has no criminal antecedent and no case under Section 307 I.P.C. is made out against him and the matter relates to land dispute.

Learned counsel for the informant, however, submits that all the accused persons including the petitioners had assaulted the informant and his son, although, the specific allegation is against co-accused Sk. Hanuj, but submits that on account of assault by the petitioners along with co-accused son of the informant fell down, hence, opposes the prayer for bail.

Learned counsel for the State submits that the petitioners are named in the First Information Report and the allegation upon them is of assault resulting in death of the son of

the informant, hence, opposes the prayer for bail.

Be that as it may, since there is no specific allegation against the petitioners and the main accused has already surrendered in the court below, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, 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, Katihar, in connection with Barari P.S. Case No. 200/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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