

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10407 of 2016

Arising Out of PS.Case No. -266 Year- 2015 Thana -BAKHRI District- BEGUSARAI

- 1. Md. Atibul, Son of Md. Qasim
- 2. Md. Mister, Son of Md. Qasim
- 3. Motifa Khatoon, wife of Md. Qasim
- 4. Shamma Praveen, daughter of Md. Qasim All serial 1 to 4 are Residents of Village- Chak Hamid, P.S.- Bakhari, District- Begusarai.

.... Petitioner/s

Versus

- 1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate.

For the Opposite Party/s : Mr. Sangita Sharma (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 19-05-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bakhri P.S.Case No. 266 of 2015 registered for offences punishable under Section 341, 323, 324, 307, 34 of the Indian Penal Code.

The prosecution case as lodged by the informant is that on 01.11.2015 at 4.30 hours his villagers, Md. Quasim and Md. Mister came to the informant and told that they were not accepted the earlier arbitration of the punches with regard to land and its boundary and on protest being made by the informant, the

family members of Md. Quasim came armed with iron rod and danda and on the order of Md. Quasim, Nazimullah and Md. Jamal attacked on his head with farsa and rod with intention to kill him, due to which the head of the informant was fractured and upon the intervention of the brother of the informant, accused persons attacked with rod on his head due to which his head was fractured and fell down on the ground and became unconscious.

Learned counsel for the petitioners submits that the petitioners are innocent having no criminal antecedent and have been falsely implicated in the aforesaid case. He further submits that no case under Section 307 is made out against them and no injury on the informant or his brother is attributable to these petitioners.

Learned counsel for the State submits that the petitioners are named in the F.I.R., hence opposes the prayer for bail.

Be that as it may, since this is a civil dispute and no overt act has been committed by the petitioners, let the above named petitioners 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 only) each with two sureties of the like amount each to

the satisfaction of learned Judicial Magistrate, 1st class, Begusarai
in connection with Bakhri P.S.Case No. 266 of 2015, subject to
the conditions as laid down under Section 438 (2) of the Code of
Criminal Procedure.

(Nilu Agrawal, J)

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