

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8577 of 2016

Arising Out of PS.Case No. -336 Year- 2015 Thana -BARHARIA District- SIWAN

1. Nazir Ahmad @ Nazir Hussain son of Gulam Rabbani
2. Shahid Ahmad @ Shahid Hussain son of Gulam Rahmani
3. Ekhlakh Ahmad son of Gulam Rabbani
4. Sabban son of Late Amantullah
5. J.P. Son of Late Amantullah All residents of Village Kuriyarpur, P.S. Barharia, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Verma,A.P.P.

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 16-05-2016 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Barharia P. S. Case No. 336/ 2015 registered for offences punishable under Section 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

As per the prosecution, the main accusation against all petitioners is of assaulting the informant by using lathi, sword, spade, hockey stick and rod with an intention to commit murder and also assaulting the son of the informant by using iron rod and also of snatching golden chain and golden ring from the informant.



It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated due to village politics and the petitioners' side and the informant's side are on inimical terms with regard to piece of land in which the informant had also purchased land by the side of the petitioners and she wants a path, which has been denied by the petitioners.

It has further been submitted by the learned counsel for the petitioners that the injury caused by the petitioners and other co-accused on the informant and her son are not specific but general. Injury caused by the petitioner No. 1 on the son of the informant has been found to be simple in nature as is evident from the injury report. He further submits that although, the petitioners are implicated in two more cases, the same has been lodged by the informant with regard to the same land. He further submits that no case under Sections 307 or 379 of the Indian Penal Code is made out against them.

However learned counsel for the informant submits that the petitioners are on inimical terms with the informant side and on two earlier occasions, First Information Report has been lodged against them regarding the similar offences.

Learned A.P.P. for the State submits that the witnesses have supported the case, hence, opposes the prayer for bail.

Be that as it may, 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 A.C.J.M.-6, Siwan in Barharia P.S.Case No. 336 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

However, it is made clear that if the petitioners indulge in a similar offence in future, as earlier two cases are pending against them for the same offence, the learned Court below will be at liberty to cancel the bail bond of these petitioners without being prejudiced with this order.

(Nilu Agrawal, J)

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