

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34752 of 2016

Arising Out of PS.Case No. -178 Year- 2016 Thana -JOKIHAT District- ARRARIA

1. Md. Raghib, son of Md. Hasim,
2. Md. Saek @ Md. Sayek, son of Md. Hasim,
3. Md. Hasim, son of late Abdul Majid,
4. Mahfooz Alam, son of late Abdul Majid,
5. Md. Rajjaque @ Rajjaque, son of late Abdul Ajij,
6. Md. Gayyas, son of late Abdul Ajij,
7. Md. Mubarak, son of late Abdul Ajij,
8. Md. Matin @ Matin son of late Yusuf,
9. Md. Anwar, son of Md. Qasim,
10. Mangal, son of Mobarak, All are resident of village- Mahalgown, P.S.-
Jokihat (Mahalgown), Dist- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sri Ram Sumiran Roy, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-08-2016 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Jokihat (Mahalgaon) P. S. Case No. 178 of 2016 registered
for the offence punishable under Sections 341, 323, 324, 307, 354
(B), 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per F.I.R. is that on
14.06.2016 the accused persons Md. Talib, Md. Raghib, Md.
Sayak forcibly started constructing house on the land fallen in the



share of the informant and on protest, they started abusing. Other accused came there armed with lathi, danda and iron rod and Md. Talib assaulter her with iron rod, causing her head injury and blood started oozing out and other accused persons also assaulted her with lathi. When Nehrun Nisha and Bibi Sahnaz came there, they were also assaulted by the accused Md. Sayek, Md. Mahfooz and Md. Raghieb. The accused persons took away silver necklace and Md. Raghieb took away Rs. 10,000/- from Md. Aminuddin.

It has been submitted by the learned counsel for the petitioners that the main accusation is against co-accused Md. Talib and basis of the occurrence is the land dispute. He also submits that the allegation of assault is against one Md. Talib and the injury caused by petitioner Nos. 1, 2 and 4 has been found to be simple in nature and the other petitioners are members of unlawful assembly. He submits that no case under Section 307 is made out against them and the petitioners have no criminal antecedent, as is evident from para-3 of this application.

However, learned A.P.P. 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 the basis of the occurrence is land dispute and the injury inflicted by some petitioners, has been

found to be simple in nature, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria in connection with Jokihat (Mahalgaon) P.S.Case No. 178 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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