

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47204 of 2015

Arising Out of PS.Case No. -122 Year- 2015 Thana -PALASI District- ARRARIA

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1. Md. Jafir S/o Ilyas
 2. Wasique, S/o Late Khalil
 3. Sk. Jharu, S/o Late Taslim
 4. Karu @ Md. Karim, S/o Late Taslim
 5. Soso @ Soma, S/o Jharu
- All are Resident of Village-Kakurwa, P.S.-Palasi, District-Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the State : Mr. Ashok Kumar Singh(APP)
For the Informant : Mr. Anil Prasad Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 02-03-2016 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the informant as well as the learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Palasi P.S. Case No.122 of 2015 for allegedly having committed the offences under Sections 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

Mr. N.K. Agrawal, learned Senior Counsel appearing on behalf of the petitioners submits that the present dispute arose on account of setting up a tin shed over the land, which was disputed by the rival parties. It is submitted that there was



attack on both sides with each of the parties received injuries. Learned counsel further submits whatever may be the nature of the injuries, so far as petitioner Nos.4 and 5 are concerned, no injury has been found as alleged in the F.I.R. on the person of those who are said to have been attacked by them. So far as Petitioner Nos.1 and 2 are concerned, they are not having any criminal antecedents and the injuries purported to have been inflicted by Md. Jafir and Md. Wasique are said to be simple whereas one injury inflicted by Wasique on Israil is said to be grievous in nature.

So far Petitioner No.3, namely, Sk. Jharu, is concerned, it is very fairly submitted by the learned counsel for the petitioners that he has antecedents of three cases behind him. However, the injury said to have been caused by Sk. Jharu has been found to be simple in nature.

Learned counsel for the informant submits that save and except Petitioner No.1 and 2, other petitioners are having criminal antecedents.

Considering the nature of allegations made and that the injuries have been found to be simple in nature and that the injury purported to have been inflicted by Md. Wasique is said to be grievous in nature, but in view of the fact that he has no

criminal antecedents, let all the five petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Shri Manoj Kumar-IV, learned Judicial Magistrate, 1st Class, Araria, in connection with Palasi P.S. Case No.122 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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