

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34896 of 2016

Arising Out of PS.Case No. -254 Year- 2016 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Azad Khan son of Akhtar Khan
 2. Shamsheer Khan son of Late Ishtiyaque Khan
 3. Isahar Ahamad @ Md. Izhar Hussain son of Sarfuddin Mian
 4. Zubair Khan son of Israil Khan
 5. Soaib Khan @ Subaib Khan son of Late Israi Khan
 6. Zayauddin Mian @ Md. Jasmuddin son of Sulman Mian. All are resident of Village- Bhagirathpur, P.S.- Mohania, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-08-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Mohania P.S. Case No. 254 of 2016 registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307 and 504 of the Indian Penal Code.

The prosecution case, in brief, is that due to land dispute, accused persons came variously armed with lathi and axe and told the informant and his agnates to stop foundation work of the house and started assaulting them and caused injuries to several persons including the informant and when neighbours

turned up, accused persons fled away.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and petitioner no.1 is a driver posted in the BMP and was not even present on the place and date of occurrence. He submits that the matter relates to land dispute and the petitioners are the Members of *Kabristan* Committee and the informant's side were constructing their house on Government land, which was objected by the petitioners. He submits that the injuries caused on the informant's side have been found to be simple in nature, except, those which are on the non-vital part of the body. He submits that there is a counter case regarding the same occurrence, bearing Mohania P.S. Case No. 255 of 2016 in which petitioners' side also received injuries.

However, learned A.P.P. for the State submits that petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the matter relates to civil dispute and there is case and counter case, let the petitioners, named above, 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 bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to

the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in connection with Mohania P.S. Case No. 254 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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