

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37492 of 2016

Arising Out of PS.Case No. -54 Year- 2016 Thana -BAUSI District- PURNIA

Abdul Mannan Sons of Malik Gulam Mustafa Resident of Village Chahat,
P.S.- Baisi, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Baisi P.S. Case No. 54 of 2016 registered for the offence
punishable under Sections 341, 323, 325, 307, 448, 380, 427 and
504/34 of the Indian Penal Code.

The prosecution case is that on 02.05.2016,
petitioner, who is son of the informant, demanded Rs. 80,000/-
from the informant and when he refused, petitioner abused him.
When younger son of the informant, Niyaz Alam made protest,
accused persons assaulted him, as a result of which, his right hand
got fractured. On hearing hulla, when Malik Mahtab, elder son and
Anjum Ara, wife of the informant came to save her younger son,

they were also assaulted by the accused persons, causing injuries. It is alleged that accused Ajmeri Khatoon had taken away Rs. Two lacs twenty thousand and accused Juhi Fatima snatched golden earring of the wife of informant.

It has been submitted by the learned counsel for the petitioner that both sides are family members and altercation took place due to land dispute and immediate cause was demand of Rs. 80,000/- from his father. He submits that the injuries caused by the petitioner on Anjum Ara and Malik Mahtab have been found to be simple in nature and, as such, no offence under Section 307 of the Indian Penal Code is made out and that petitioner has no criminal antecedent, as is evident from paragraph 3 of this application.

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

Be that as it may, since both sides are family members and the matter relates to land dispute and immediate cause of altercation being demand of money by the petitioner from his father and that petitioner has no criminal history, let the petitioner, named above, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge II-cum-Additional Chief Judicial Magistrate-II, Purnea in connection with Baisi P.S. Case No. 54 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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