

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2788 of 2016

Arising Out of PS.Case No. -777 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Asgar Ali son of Late Sk. Sagar.
 2. Sk. Ashique son of Late Isha.
 3. Sajid Anwar son of Mustaque Ahmad
 4. Tamanna Alam son of Mustaque Ahmad
 5. SK. Hasim son of Late Isha.
 6. SK. Alim son of Late Isha.
 7. Aftab Alam son of SK. Alim
 8. Sadam Hussain son of Ozir Ahmad @ Wajir Ahmad
 9. SK. Babloo son of Aftab Alam
 10. Ozir Ahmad @ Wajir Ahmad son of SK. Serajul
 11. Ekramul son of Ozir Ahmad @ Wajir Ahmad
 12. Zed Ahmad son of SK. Hasim
 13. Tbrez Alam son of SK. Hasim
 14. Sarfaraj Alam son of SK. Ashique
 15. Nejam Hussain son of Aftab Alam
 16. Ehrar Alam son of SK. Ashique
 17. Akhatar Hussain son of SK. Alim
 18. Sadam Hussain son of Aftab Alam
 19. Afzal Hussain son of Ozir Ahmad @ Wajir Ahmad
 20. Seraj Ahamd son of SK. Ashique
 21. Imteyaz Ahmad son of SK. Ashique
 22. Sadam Hussain son of Intezar Ahmad
 23. Manjar Ali son of Sk. Alim
 24. Ekram Hussain son of Aftab Alam All Residents of Village-
Jaisinghpur, Tetwa, Police Station- Turkauliya, District- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Dhurendra Kumar, Advocate.

For the Opposite Party : Mr. Rajendra Singh Shastri(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-01-2016 Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 147, 148,

149, 341, 323, 324, 379, 307, 120(B), 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant came to know on 10.11.2015 at 04:00 p.m. that Md. Arif agnates of the petitioners were getting land of the informant ploughed. When protest was made then 27 accused persons including the petitioners came variously armed. On the order of Intezar Ahmad, Mustaque Ahmad assaulted with pharsa on the head of the informant. Two other accused persons injured from the informant side. It is further alleged that Aftab Alam and Saddam Hussain have fired. The accused persons took away Rs. 5000/- from the informant and gold chain.

It is submitted by the learned counsel for the petitioners that specific overt act has only been alleged against Mustaque Ahmad. There is omnibus and general allegation against the petitioners. Though firing was made but no injury was caused to anyone. There is counter version of the occurrence and from the side of the petitioners one person died. The petitioners have no criminal antecedent.

Considering the facts aforesaid, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of 12

weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 777 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J.)

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