

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7448 of 2016

Arising Out of PS.Case No. -212 Year- 2015 Thana -BIHRA District- SAHARSA

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1. Md. Badrul, Son of Md. Dukha @ Dukha Mian
 2. Md. Rizwan, Son of Md. Jubrail Both are Resident of Village- Bijalpur, P.S.- Bihra, District- Saharsa.
 3. Md. Subhan @ Md Subahan, Son of Md. Mathuni, Resident of Village- Ithara, P.S.- Saur Bazar, (Baijnathpur), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Opposite Party/s : Mr. Arun Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 17-02-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners are named in the first information report but according to ferdbeyan of informant, altogether 19 persons including the petitioners mercilessly assaulted the deceased by means of lethal weapons as a result whereof, deceased died.

Submission on behalf of the petitioners is that there is case and counter case between the parties and as a matter of fact, it was prosecution party who assaulted the petitioners and others and in that course committed murder of one Md. Nathuni, who has been shown as accused no. 5 in the present case. Moreover, only

three injuries were found on the person of the deceased and the aforesaid injuries are said to have been caused by hard and blunt substance.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that alleged occurrence took place on account of land dispute and persons from both the sides died in the said occurrence, let the petitioners 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 Chief Judicial Magistrate, Saharsa in connection with Bihra P.S. Case No. 212 of 2015.

(Hemant Kumar Srivastava, J)

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