

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33745 of 2016

Arising Out of PS.Case No. -201 Year- 2016 Thana -SITAMARHI District- SITAMARHI

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1. Md. Waris
 2. Md. Wahid both S/o Late Md. Kitab
 3. Md. Eklakh S/o Md. Waris All residents of Village - Bhasar Mkshaha East, P.S. - Sitamadhi, District - Sitamadhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Sitamarhi P.S. Case No. 201 of 2016 registered for the offence punishable under Sections 307, 379 and other allied sections of the Indian Penal Code.

The prosecution case, in brief, is that on the date of occurrence at about 7:00 A.M., petitioners along with other FIR named accused persons armed with weapons came at the *darwaja* of the informant and started assaulting his nephew, Md. Qasim with *lathi and danda* and when informant went to save his nephew, accused Md. Waris (Petitioner no.1) assaulted the



informant with *farsa* on his head, as a result of which, informant sustained cut injury. It is further alleged that when nephew of the informant, namely, Md. Jabbar came to save them, he was assaulted by accused Md. Wahid (Petitioner no.2) and Md. Eklakh (Petitioner no.3) with iron rod and *farsa*. It is alleged that when other family members of the informant came to save them, they were also assaulted by the accused persons and accused persons also looted articles from the house of the informant.

It has been submitted by the learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in the aforesaid case. It has been submitted that regarding same incident petitioners' side filed Sitamarhi P.S. Case No. 200 of 2016 against the informant and others and both sides received injuries. He further submits that there is land dispute between the parties and the injuries, as per the injury report, have been found to be simple in nature, hence, no case under Section 307 of the Indian Penal Code is made out. He further submits that petitioners have no criminal history, as is evident from paragraph 3 of this application.

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 counter case has been lodged by the petitioners prior to the present First Information Report, 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, Sitamarhi in connection with Sitamarhi P.S. Case No. 201 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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