

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.45602 of 2016**

Arising Out of PS.Case No. -128 Year- 2016 Thana -BARAULI District- GOPALGANJ

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1. Mahrnun Nessa wife of Amirul Haq
2. Arasad Ali
3. Afsar @ Afsar Aalam Both are sons of Amirul Haq
4. Muslim Mian son of Late Munsu Hussain All are resident of Village-Parsa, P.S.- Barauli, District- Gopalganj.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Mukesh Kumar Singh, Advocate.

For the Opposite Party : Mr. B.N. Pandey, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      25-11-2016      Heard both sides.

The petitioners apprehend their arrest in Barauli P.S. Case No. 128 of 2016 registered for the offences punishable under Sections 341, 323, 307, 504 and 34 of the Indian Penal Code.

Afroj Alam, the informant, named the petitioners and alleged that the accused persons were digging drainage and on protest Afsar @ Afsar Aalam, petitioner no. 3 assaulted the informant with Pharsa but the informant somehow saved himself. Arasad Ali, petitioner no. 2 is alleged to have assaulted the disabled sister of the informant with axe and she got injury on her head. The informant further alleged that the accused persons brutally assaulted him with belt.

Learned counsel for the petitioners submits that the informant did not get any injury except complaint of pain. The sister of

the informant got one lacerated wound on her head and after CT scan and X-ray the injuries opined to be simple in nature as there was no abnormality. There is no allegation against petitioner no. 1 and 4 Mahrn Nessa and Muslim Mian. It is further submitted that in the year 2015 Barauli P.S. Case No. 55 of 2015 was registered on same and similar allegations.

It appears that there is a land dispute between the parties and there is no specific allegation of assault against petitioner no. 1 Mahrn Nessa, petitioner no. 3 Afsar @ Afsar Aalam and petitioner no. 4 Muslim Mian. Arasad Ali, petitioner no. 2 is alleged to have assaulted the disabled sister of the informant and the injuries opined to be simple in nature.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Barauli P.S. Case No. 128 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

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