

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44642 of 2015

Arising Out of PS.Case No. -443 Year- 2015 Thana -KATIHAR District- KATIHAR

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1. KAUSHAR ALAM @ PERWEJ ALAM @PERWEJ ALAM BAIG Son
of Jabir Hussain Baig Resident of Officers Colony, Mirchai Bari, P.S. -
Katihar, District - Katihar

2. Md. Jamal Khan @ Md. Jamal @ Md. Jamaluddin Son of Ashraf Ali
Resident of Masjid Road, Naugachia, P.S. - Naugachia, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Opposite Party/s : Mr. Chaubey Jawahar (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-02-2016 Heard learned counsel for the petitioners and the State as

also learned counsel for the informant.

The petitioners are apprehending their arrest in a case
instituted under Sections 341, 324, 307, 504 and 34 of the Indian
Penal Code.

The allegation against the petitioners is that on the alleged
date of occurrence at 3.10 P.M. all the accused persons named in
the F.I.R. along with three other accused persons entered the house
of the informant and at the instance of accused Bibi Juhi Khatoon,
accused, namely, Babar Khan fired pistol on the person of the
husband of the informant, who sustained injuries and thereafter all
the accused persons fled away.

It has been submitted on behalf of the petitioners that the

petitioners have got no criminal antecedent. The petitioners are agnates and there is a land dispute between the parties from before. The main allegation is against one Babar Khan. There is no allegation of causing any injury to the informant by the petitioners. From the perusal of the case diary, it is evident that there is no injury report to support the prosecution case.

On behalf of the State and counsel for the informant, it has been submitted that the petitioners are named in the first information report and they have actively participated in the alleged occurrence.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of arrest or surrender in the court below within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Katihar P.S. Case No. 443 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

V.P.Sinha/-

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