

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50589 of 2015

Arising Out of PS.Case No. -210 Year- 2015 Thana -SIWAN MUFFASIL District- SIWAN

Isharul Haque @ Ijharul Haque @ Daroga Khan Son of Late Abdul Majid
Khan resident of village - Tarwa, P.S.Muffasil, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Srivastave
Mr. Vijay Tiwary

For the Opposite Party/s : Mr. Yogendra Kumar (APP)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

6 05-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with
Siwan (Muffasil) P.S. Case No. 210 of 2015 registered for the
offences punishable under Sections 341, 323, 504, 353, 506 and
307 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is
case and counter case between the parties. It is further submitted
that the Siwan P.S. Case No. 261 of 2015 was initially registered
but thereafter, I.O. of the said case registered another case bearing
Siwan (T) P.S. Case No. 201 of 2015 relating to the same
occurrence. It is further submitted that except the aforesaid case, a
complaint case no. 1322 of 2012 was earlier lodged by the same
informant. It is further submitted that there was previous enmity

between the parties and that the entire allegation is motivated and has been made only to mar the prospects of the petitioners at the ensuing election in which he is a candidate from Siwan constituency. There is admittedly land dispute between the parties for a long period.

Considering the entire facts and circumstances of the case and also the fact that the injuries were sustained by both the sides, the injury on the side of the petitioner's son being grievous in nature and also that as alleged, there were no repetition of blows so as to attract the provisions of Section 307 of the Indian Penal Code, let the petitioner above named, in the event of his 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, is/are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in connection with Siwan (Muffassil) P.S. Case No. 210 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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