

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3813 of 2017

Arising Out of PS.Case No. -384 Year- 2016 Thana -BEGUSARAI MUFFASIL District-
BEGUSARAI

- =====
1. Md. Isamu @ Isamu
 2. Md. Sansar
Both sons of Md. Ashraf.
 3. Md. Mashraf son of Md. Hanif
 4. Md. Zeyaul son of Md. Mashraf
All resident of village- Killi Mohanpur, P.S.- Mufassil, District-
Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda

For the Opposite Party/s : Mr. Sri Uday Chand Prasad

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

4 21-03-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out
of Begusarai Mufassil Police Station Case No. 384 of 2016,
disclosing offences under Sections 341, 323, 307, 504, 379/34 of the
Indian Penal Code.

Learned counsel for the petitioners has submitted that
the petitioners are own Gotiya and there is dispute of a land on which
both parties are claiming right. On account of said land dispute,
altercation took place between the parties and both the parties
sustained injuries. These petitioners are of clean antecedents. Hence,
the petitioners deserve the privilege of anticipatory bail.



Learned A.P.P. for the state has submitted that there is direct allegation against petitioner No.1, Ishamu, who gave a bat blow on the head of the informant causing grievous injury to the informant, which is evident from annexure-2.

Considering the facts and circumstances of the case, let the petitioner Nos. 2, 3, 4, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai, in connection with Begusarai Mufassil Police Station Case No. 384 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner No.1, Md. Isamu @ Isamu, is concerned, having regard to the direct allegation of assault by a bat on the head of the informant causing grievous injury, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner No.1. Accordingly, prayer for anticipatory bail of this petitioner is rejected.

(Arvind Srivastava, J)

Brajesh/-

U		T	
---	--	---	--

