

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29151 of 2017

Arising Out of PS.Case No. -64 Year- 2017 Thana -DAGARUA District- PURNIA

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1. Md. Samsad @ Shamsad Ahmad son of Gaffar
2. Naushad @ Md. Naushad Alam son of Gaffar
3. Md. Manjur @ Manjur son of Gaffar
4. Hasim son of Late Ajij
5. Gaffar son of Late Ajij All resident of Village- Dumra Kathwa, P.S.
Dagarua, District Purnea. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 22-08-2017 Heard both sides.

The petitioners apprehend their arrest in Dagarua P.S. case No. 64 of 2017 under Section 307, 354(B), 379 and other Sections of the Indian Penal Code.

The informant alleged that he purchased land and thereafter the petitioners came and started constructing house over the purchased land. On protest, the petitioners are alleged to have assaulted the informant and others and took away different articles.

The learned counsel for the petitioners submits that Md. Gaffar purchased 1.41 acres of land in the year 1991 and donated 50 decimals of land to Madarsa Jamiya Majahera but the informant and his men came there to take possession of the land forcibly and when the petitioners protested this false case has been



lodged. No injury was caused to any person.

The learned A.P.P. opposed the prayer for anticipatory bail and submitted that from perusal of paragraphs 27 and 28 of the case diary, it would appear that Sabila Khatoon and Afsana Khatoon got injuries but it appears that injuries are superficial and simple in nature.

Considering the facts aforesaid and the nature of allegation made against the petitioners and the fact that some scuffle took place on account of land dispute and the informant and others got simple injuries, the petitioners, above named, in the event of their arrest or surrender before the learned 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 learned Additional Chief Judicial Magistrate-II, Purnea in connection with Dagarua P.S. case No. 64 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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