

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31152 of 2017

Arising Out of P.S.Case No. 27 Year- 2017 Thana -RAUTRA District- KATIHAR

- =====
1. Abdul Salam, son of Md. Muslim,
 2. Md. Nazir @ Nazir Hussain, son of Late Naushad Ali,
 3. Md. Firoz, son of Nurul Islam,
 4. Jainul Haque, son of Late Naushad Ali,
 5. Md. Wazir @ Wozir, son of Late Suleman,
 6. Nurul Islam, son of Late Muslim,
 7. Md. Mojib @ Mojib, son of Late Suleman,
 8. Azad Ali @ Md. Azad, son of Md. Jalil,
 9. Md. Jalil, son of Late Abdul Latif,
 10. Md. Nasir, son of Late Suleman, All the above are residents of Village-
Churlighat, Police Station- Rautara, District- Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Jibendra Mishra, Advocate

For the Opposite Party : Mr. Satya Nand Shukla, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 13-07-2017

Heard.

2. The petitioners apprehend arrest in connection with Rautara P.S.Case No.27 of 2017 registered for an offence under Section 307 and other ancillary Sections of the IPC.

3. There are altogether 26 accused persons in this case, out of them, ten are petitioners before this Court. It is alleged that all the petitioners and other co-accused on 05.03.2017 assembled for a meeting in the campus of Madarsa. In the said meeting, the informant and his associates were also present. In



course of meeting dispute arose with respect to land of Madarsa as the informant and his associates refused to obey the decision of the people assembled for the meeting. It is alleged that the accused persons indiscriminately assaulted the informant and his men and also took away gold ornaments, cash amount and other articles from the possession/house of the informant and his family members.

4. Learned counsel for the petitioners submits that the informant and his men are adamant to grab the land of Madarsa for which a meeting was convened. Both parties are litigation term for the land of Madarsa and prior to this case several criminal cases and counter cases were lodged against each other. The injuries sustained by the informant and his men are simple in nature and no offence under Section 307 of the IPC is made out and so all the petitioners deserve anticipatory bail.

5. Learned counsel for the informant as well as the APP opposed the submission.

6. On perusal of FIR as also the annexures, I find that the allegation of assault is specific against petitioner no.1, namely, Abdul Salam and petitioner no.2, namely, Md. Nazir @ Nazir Hussain who assaulted Md. Wazir on his head by means of sword and farsa with intention to commit his murder which is



evident from the injury report (Annexue-4). Besides that petitioner no.2 is accused in one more case.

7. Considering the grievous nature of injuries sustained by Md. Wazir which is attributed to petitioners no.1 and 2, namely, Abdul Salam and Md. Nazir @ Nazir Hussain respectively, I am not inclined to grant them anticipatory bail. Their prayer of anticipatory bail is rejected.

8. So far as other petitioners are concerned, allegation of assault is omnibus and the injured sustained simple injury. The petitioners have lodged a counter case bearing Rautara P.S.Case No.28 of 2017 against the informant. In the said occurrence, some persons from the side of the petitioners had also sustained injuries.

9. In view of the aforesaid facts prayer of anticipatory bail of petitioner nos.2 to 10 is allowed. Let the petitioners, namely, Md. Firoz, Jainul Haque, Md. Wazir @ Wozir, Nurul Islam, Md. Mojib @ Mojib, Azad Ali @ Md. Azad, Md. Jalil and Md. Nasir be released in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Rautara P.S.Case No.27 of 2017 (G.R.No.810 of 2017) on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to



the satisfaction of Smt. S.K.Singh, Judicial Magistrate, Ist Class,
Katiyar subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Sanjay Kumar, J)

B.Kr./-

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

