

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35944 of 2017

Arising Out of PS.Case No. -39 Year- 2017 Thana -MANSAHI District- KATIHAR

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1. Abdul Khalique, son of Tafazul Hussain,
 2. Hajrat Ali, son of Tafazul Husain,
 3. Asfaque, son of Mustafa,
 4. Ansor @ Md. Ansor, son of Md. Mustafa,
 5. Kausar Alam @ Md. Kausar, son of Md. Mustafa,
 6. Wazir, son of Md. Nizam,
 7. Nazir, son of Md. Nizam,
 8. Samsul Haque, son of Md. Muslim,
 9. Najrul Haque, son of Samsul Haque,
 10. Emrul @ Md. Emrul, son of Samsul Haque,
 11. Mustafa @ Md. Mustafa, son of Abdul Kuddu,
 12. Manabbar, son of Md. Mustafa, All are resident of village-Chitoria, P.s. Mansahi, District-Katihar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Ramchandra Sahani

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 12-12-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mansahi P.S. Case no. 39 of 2017, registered under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 427 of the Indian Penal Code.

The accusation is that 04 Acres 45 decimals of land of Plot Nos. 1802, 1803, 1804 and 1805 under Khata No. 625 was allotted to the informant and others being Red Card holders, which was being plough by the informant, at that time, 13 persons named in the F.I.R. including the petitioners, reached there and started to cause grievous injury to them.



Learned counsel for the petitioners submits that, in fact, the land in dispute was in possession of the petitioners and others, but the informant and others tried to take possession over the said land in which occurrence of Marpit took place and petitioner's side also sustained injuries regarding which Mansahi P.S. Case No. 40 of 2017 is also instituted on 29.04.2017, under Sections 147, 148, 149, 341, 323, 324, 307 and 427 of the Indian Penal Code. Further submission is that while the petitioners are named in the F.I.R., but no overt act has been attributed against them. The petitioners having no criminal antecedent.

On the other hand, learned counsel appearing on behalf of the informant submits that the alleged land was forcibly acquired by the petitioners and others.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-VI, Katihar in connection with Mansahi P.S. Case No. 39 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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