

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51219 of 2017**

Arising Out of PS. Case No.-71 Year-2017 Thana- MAGADH UNIVERSITY District- Gaya

1. Rafat @ Mohan, Son of Late Reyasat Khan.
2. Shabahat Safat @ Sabbu, Son of Late Reyasat Khan, Both Residents of Village- Niskha, P.S. Magadh University District- Gaya.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Smt. Veena Rani Prasadd, APP.

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      09-11-2017                      Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the *fard beyan* of Soni @ Sohnoor is to the effect that on 18.06.2017 at 5 PM, the informant was sitting in her house when she heard the cry of his son Guljain and daughter Gulnaj. Consequently, the informant reached on the spot and found that the informant's brother-in-law (Devar), Mohan is not providing them the fruit from the orchard on the ground that it is not in the share of the informant. Subsequently, the informant's brother-in-law, Rafat @ Mohan (petitioner no.1) and Sahab @ Sabu (petitioner no.2) entered



into the house of the informant, abused her and conveyed that the informant will not get any share of the land, thereafter, petitioner no.1 assaulted with lathi on the head of the informant and petitioner no.2 assaulted with bricks and when the husband of the informant came to rescue then they assaulted him also with lathi. The accused persons also snatched Rs. 14,000/-.

It is submitted by learned counsel for the petitioners that in the background of partition dispute, the accusation has been levelled. The injury received by the informant has been found to be simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

It is further submitted that each petitioner is ready to give Rs. 5,000/- to the informant as medical assistance.

Learned APP submits that there is specific accusation of assaulting the informant against the petitioners.

Considering the nature of accusation levelled in the background of partition dispute and the fact that the injury has been found to be simple in nature and the present stand of the petitioners, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from



today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-IX, Gaya in connection with Magadh University P.S. Case No. 71 of 2017 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bond of the petitioner shall be accepted on filing affidavit by the petitioners that they have paid Rs. 10,000/- to the informant.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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