

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22550 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -PIRPAINITY District- BHAGALPUR

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1. Seikh Jalal S/o Late Seikh Bhaddo
 2. Seikh Bablu @ Md. Bablu
 3. Sikh Saddam @ Md. Saddam
 4. Seikh Nijam @ Md. Nejam Sl. No. 2 to 4 are S/o Seikh Jalal
 5. Seikh Mubarak @ Md. Mubarak S/o Late Seikh Sudin
 6. Seikh Jichhau @ Md. Jichhau S/o Seikh Mubarak
 7. Seikh Sahis S/o Late Seikh Sudin All are R/o Pirpaiti Bazar, P.S. - Pirpaiti, District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra and Mr. Dhananjay Kumar Gupta, Advocates
For the State	:	Mr. Ram Sumiran Roy, Advocate
For the Informant	:	Mr. Mukesh Kumar Jha and Mr. Tarun Prasad Mandal, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 06-07-2017

Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant, who has *suo motu*
appeared.

2. The petitioners apprehend arrest in Pirpainty P.S.
Case No. 49 of 2017 dated 02.03.2017 instituted under Sections
341/323/448/307/504/506/34 of the Indian Penal Code.

3. The allegation against the petitioners and 8 others is
of general and omnibus assault on the informant.

4. Learned counsel for the petitioners submitted that



there is land dispute between the parties and the land on which the informant claims the incident took place is the land which is in dispute. Learned counsel submitted that the injury report does not disclose any grievous injury. It was further submitted that the petitioners have clean antecedent and if at all a minor scuffle took place, it was in the heat of a moment not causing any grievous injury.

5. Learned counsel for the informant submitted that the petitioners after their injunction was refused in the suit had come to the land and were preventing the informant from cutting the fruit from the orchard for which title suit has been filed by the petitioners no. 1 to 5. It was submitted that the injury on the head was referred for CT scan and the result was awaited.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. XI, Bhagalpur in Pirpainty P.S. Case No. 49 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners and the bailors shall execute bond



with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

(Ahsanuddin Amanullah, J.)

P. Kumar

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