

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12097 of 2017

Arising Out of PS.Case No. -771 Year- 2015 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Samiullah,
2. Saheb Alam @ Saheb Ali, Both are sons of S.K. Safi Ahmed,
3. Faizur Rahman @ Fazur Rahman, son of Ekbal Ahmed @ Sk. Ekbal, All
are resident of village- Jai Singhpur Tola Retwa, P.S.- Turkauliya, District-
East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Birendra Kumar, Advocate.

For the Opposite Party : Mr. Ajay Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-03-2017 Heard both sides.

The petitioners seek bail in Turkouliya P.S. Case No. 771 of 2015, registered for the offences punishable under Sections 302 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named 29 persons including the petitioners in the FIR and alleged that on account of land dispute on the order of Md. Arif, Faizur Rahman @ Fazur Rahman, petitioner no. 3, Manzar Alam, Sheikh Anwarul Haque, Anisur Rahman, Shafi Ahmad assaulted his son Mustajab Alam with Pharsa on his head. Motiur Rahman, son of Md. Arif gave second blow with Pharsa on the head of Mustajab Alam, son of the informant. 3rd blow with Pharsa was given by Sadre Alam. Sheikh Shamim is alleged to have fired on Mustajab Alam with gun.



Wali Ahmad @ Mankuli is said to have assaulted Mustajab Alam with spear and Mustajab Alam fell down on the ground and died. Md. Intasarul also assaulted Mustajab Alam with Garasa.

Learned counsel for the petitioners submits that there is no specific allegation of assault against petitioner no. 1 and petitioner no. 2. Faizur Rahman @ Fazur Rahman, petitioner no. 3 is the only order giver. The informant made omnibus and general allegation that other accused persons assaulted the informant, but the informant did not get any injury. Similarly situated co-accused persons namely Sk. Wali Ahamad @ Wali Ahamad @ Mankuli (in Cr. Misc. No. 19593 of 2016) and Sohrab Ali @ Sohrab, Saidur Rahman, Salamullah, Nasim Akhtar, Parwej Alam, Md. Arif, Manjar Alam and Sheikh Mannan @ Mannan Alam have already been granted bail in Cr. Misc. No. 4773 of 2016 on 11.02.2016.

Considering the facts aforesaid the petitioners above named are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, Motihari in Turkouliya P.S. Case No. 771 of 2015.

(Prabhat Kumar Jha, J.)

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