

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1190 of 2017

Arising Out of PS.Case No. -167 Year- 2016 Thana -KOTWA District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Md. Akhlak Hussain, Son of Mubarak Hussain.
2. Sakil Ahmad, Son of Late Abdul Latif Miya.
3. Vijay Patel, Son of Deep Narayan Patel.
4. Umesh Kumar Baitha @ Umesh Baitha, Son of Jamadar Baitha. All residents of Village- Bishunpur , P.S. - Kotwa, OP - Bamjhia , Dist.- East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Sunil Kumar No.III, Advocate.

For the Opposite Party : Mr. Braj Kishore Prasad, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with G.R. Case No. 5013/2016, arising out of Kotwa P.S. Case No. 167 of 2016 for the offences instituted under Sections 147, 148, 149, 323, 504, 427, 354, 379, 380, 384, 386, 387, 307 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that 35 decimals of land of Khata No. 42, Khesara No. 2677 was registered/settled in the name of informant's father in the year 1969-70. The informant's father had constructed home on some portion of said



land, in which the informant is living. The petitioner no. 1 Akhlak Hussain wants to grab some portion of said land, for which he offered the informant to give some portion of said land, for which he will pay consideration amount. When the informant refused to do so, then all the accused persons forming an unlawful assembly and holding weapons in their hands came at the said land and damaged the under construction home of the informant and caused hurt to the informant and his wife. They also torn clothes of the informant's wife. As a result of which, she became nude. The accused persons also damaged the house hold articles of the informant and committed theft of cash amount, clothes etc. The petitioner no. 1 demanded Rs. Five Lakh as Rangdari.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is a case and counter-case between the parties. The nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their



arrest or surrender before the learned court below within a period of six weeks from today in connection with G.R. Case No. 5013 of 2016, arising out of Kotwa P.S. Case No. 167/2016 on furnishing bail bond 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.-X, East Champaran at Motihari, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

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

(Sudhir Singh, J)

