

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43494 of 2017

Arising Out of PS.Case No. -58 Year- 2017 Thana -MAHESI District- SAHARSA

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1. Nasruddin, Son of Late Islam
2. Khushbuddin @ Khusbuddin @ Khusbhuddin, Son of Late Islam
3. Sahabuddin, Son of Late Islam
4. Nazrul Hoda @ Kirani, son of Khusbuddin @ Fakhruddin All resident of
Village- Jalai, Punarwas West, P.S.- Mahishi, District- Saharsa

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Madhav Jha, Adv.

For the State : Mr. Pramod Kumar Pandey, APP 120

For the informant : Mr. Md. Harun Quareshi, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**
ORAL ORDER

2 20-09-2017 Heard the learned counsel for the petitioners, the learned Additional Public Prosecutor and the learned counsel for the informant.

The petitioners apprehend their arrest in Mahishi P.S. Case No. 58 of 2017 under Section 307 of the Indian Penal Code.

The informant named the petitioners and alleged that the petitioners having armed with lathi, spear and farsa forbade the informant to fill-up earth. The informant, further, alleged that the petitioners assaulted him and his brother, Hasmetullah.

The learned counsel for the petitioners submits that the informant got one lacerated wound on right side of fore-head, which is superficial in nature as the dimension of the injury is 1½” x 1 ½” x 1 ½” and another injury is abrasion over right leg. Nature of both the injuries were found simple. On account of land dispute the occurrence took place. There is a counter version being Mahishi P.S. Case No. 59 of 2017.



On the other hand, the learned counsel for the informant and Additional Public Prosecutor vehemently opposed the prayer for bail.

On account of land dispute both sides entered into a mutual assault for which there is a case and counter case and the informant got one lacerated wound and another abrasion, which are simple in nature.

Considering the facts, aforesaid, fact, the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with **Mahishi P.S. Case No. 58 of 2017** to the satisfaction of the **Subdivisional Judicial Magistrate, Saharsa**, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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