

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27274 of 2018

Arising Out of PS. Case No.-39 Year-2018 Thana- GOGRI District- Khagaria

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1. Md. Jahir, Son of Safik,
 2. Hasmun Khatoon, D/o- Md. Isha.
 3. Sajida Khatoon, D/o- Md. Jahir
 4. Manisha Khatoon @ Anisha Khatoon, D/o- Md. Abdullah, All are Resident of Village- Goraiyabathan, P.S.- Gogari, District- Khagaria.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Angad Singh

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018 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, 504 and 307/34 of the IPC.

The prosecution case, as per the written report of Anish Khatoon, dated 15.02.2018, submitted to the Station House Officer, Gogri Police Station is to the effect that on 15.02.2018, at 8 PM, five accused persons including the petitioners, being the neighbours of the informant, came to the house of the informant claiming the constructed bathroom in their share of land. In pursuance to some hot exchange, the accused persons assaulted the informant causing bleeding injury on the head and



when the husband and sons of the informant, namely, Md. Satar, Md. Sadam and Md. Sainul came to rescue her, they were also assaulted.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. The injury of the informant's side has been found to be simple in nature caused by hard and blunt substances.

It is further submitted that the petitioners' side also lodged a case against the informant's side being Gogri P.S. Case No. 38 of 2018, registered for the offences punishable under Section 341, 323, 504 and 307/34 of the IPC, on 15.02.20218 at 3 PM whereas the present case has been registered on 15.02.2018 at 3.15 PM. The petitioners' side also received injuries. The informant has subsequently retracted from her initial version and filed a petition to that effect before the learned Court below. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation of assault is specific against the petitioners.

Considering the genesis of the occurrence in the background of land dispute and the injuries of the informant's side being simple in nature, coupled with the statement made in



paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 39 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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