

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.239 of 2018

Arising Out of PS.Case No. -60 Year- 2017 Thana -MUNGER MUFFASIL District- MUNGER

- =====
1. Md. Tipu, Son of Md. Zulfiqar
 2. Md. Obais Alam, Son of Md. Khurshid Alam, both are Resident of Village- Mirjapur Vardah, P.S. Muffasil, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 15-01-2018

Heard both sides.

The petitioners apprehend their arrest in Munger Muffasil P.S. case No. 60 of 2017 under Section 307 and other Sections of the Indian Penal Code.

The informant named the petitioners and others and alleged that petitioners and others having armed with different weapon came and started damaging eastern wall of his house. When the informant objected, Md. Zulfiqar and Naushad tied towel along with his neck. Md. Obais and Tipu are alleged to have assaulted the informant with pieces of bricks. The informant further alleged that a Title Suit No. 22 of 2002 is pending in the court below for removal of encroachment.

The learned counsel for the petitioners submits that there is counter version being Muffasil P.S. case No. 59 of 2017. The police after investigation submitted charge sheet under Section 341, 323, 504, 505, 337,34 of the IPC which are bailable



but the learned court below took cognizance under section 307 of the IPC also. There is no material on record to show that offence under Section 307 of the IPC is made out. The injury found on the person of informant is simple in nature.

There appears that on account of land dispute both the parties fought with each other.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Munger Muffasil P.S. case No. 60 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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