

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72338 of 2018

Arising Out of PS. Case No.-271 Year-2018 Thana- DHAMDAHA District- Purnia

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1. Samiya Khatoon @ Samiyan Khatoon, Wife of Manjar @ Mangan,
 2. Manjar Alam, Son of Sirazuddin,
 3. Juber Ansari, Son of Manjar @ Mangan,
- All resident of Village- Chandrahi, P.S.- Dhamdaha, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
447/341/323/324/308/504 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 26.09.2018 submitted by Majid Mian to the Station
House Officer, Dhamdaha Police Station to the effect that after
the death of father of the informant, the informant made oral
partition among his three brothers and he obtained 26.2/3
decimals of land in his share. Subsequently, Jamabandi was
created in the name of the informant. It is alleged that some
months prior to lodging of the present case, the accused persons



threatened the informant to dispossess him from the said land, as a result, the informant submitted a Sanha, whereupon, a proceeding under Section 107 of the Cr. P.C. was started. On 26.09.2018, all the accused persons started constructing house over the said land, when it was protested by the wife and son of the informant, then all the accused persons came variously armed and brutally assaulted them. It is specifically alleged that co-accused Kamiya Khatoon assaulted with Katta on the head of informant's wife, causing blood injury on her, whereas, co-accused, Manjar assaulted the son of the informant with the butt of the firearm, while other accused persons assaulted them by *lathi*. When the daughters-in-law of the informant went to rescue them, then the accused persons also assaulted them with *lathi*.

It is submitted by learned counsel for the petitioners that the omnibus and general nature of accusation has been levelled against the petitioners due to petty dispute. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the genesis of the occurrence in the



background of land dispute, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Purnea, in connection with Dhamdaha P.S. Case No.271 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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