

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7147 of 2018

Arising Out of PS.Case No. -172 Year- 2017 Thana -AWADPUR District- KATIHAR

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1. Sadik Ali @ Sadek Ali, Son of Pasiruddin, Resident of Village- Chandpara, P.S.- Abadpur, District- Katihar.
 2. Shamsud Ali, Son of Habi, Resident of Village- Chandpara, P.S.- Abadpur, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Abadpur P.S. Case No. 172/2017, instituted for the offences punishable under Sections 341, 323, 325, 504, 506, 509, 427, 436 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that on perusal of the written complaint of the informant, who seems to be an illiterate lady, it would appear that although 8 accused persons have been named therein, but in the allegations part there is no specific allegation attributed to any of the accused. He further submits that these petitioners and the informant are own *Gotias*,



residing together and have got land disputes. Both parties lodged case and counter case on the same day which would be apparent from Annexure-2, which is a copy of the F.I.R. giving rise to Abadpur P.S. Case No. 173/2017. Annexure-2 is the case lodged by the present petitioners' side in which the informant of this case is accused no. 5. The allegations in the Annexure-2 are same and has been registered under Sections 341, 323, 325, 504 and 436/34 of the Indian Penal Code. It has further been submitted that in the counter case (Annexure-2), the informant party of the present case have been granted bail by police.

This being the position, learned counsel for the petitioners submits that these petitioners are also ready to co-operate with the investigation.

On the other hand, learned counsel representing the informant opposed the prayer for anticipatory bail and submitted that in fact, the case lodged by the informant of this case is prior in time, though on the same date and the injury caused to the informant and one of the family members are indicted in Annexure-3 series, which are said to be simple in nature.

Learned A.P.P. for the State is present.

Considering the facts and circumstances of the case where both the parties are said to be own *Gotias* and have land



disputes and also both the parties have lodged cases against each other on the same day on the same accusations and that the informant side has been granted bail by police, let the petitioners above named, in case of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Katihar in connection with Abadpur P.S. Case No. 172/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further condition that both the petitioners shall immediately report to the Investigating Officer within a period of two weeks from today and shall co-operate in investigation of the case and further in course of trial, they will put their appearance regularly before the trial court and in default of appearing on two consecutive dates shall invite cancellation of bail.

(Rajeev Ranjan Prasad, J.)

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