

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39414 of 2018

Arising Out of PS.Case No. -155 Year- 2017 Thana -BAHADURGANJ District- KISANGANJ

- =====
1. Habibur Rahman, S/o Late Zainuddin,
 2. Atuar Rahman, S/o Late Zainuddin,
 3. Enamul Haque, S/o Late Zainuddin,
 4. Qamruzamma, S/o Late Zainuddin,
 5. Dilawar, S/o Habibur Rahman,
 6. Arshad @ Arshad Alam, S/o Habibur Rahman, All are R/o Village-
Loucha, P.S.- Bahadurganj, District- Kishanganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Jha

For the Opposite Party/s : Mr. Sri Dinesh Singh

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 326, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case of fardbeyan of Zahidur Rahman recorded by A.S.I. Bindeshwar Prasad of Bahadurganj P.S. on 16.06.2017 at 2.20 P.M. at Sadar Hospital, Kishanganj, is to the effect that on 16.06.2017 at 9.30 A.M., due to old enmity with regard to the land, the neighbour of the informant, eleven in number including the petitioners came and assaulted



the informant and his brother, as a result, the informant received fracture injury on the left hand.

It is submitted by learned counsel for the petitioners that the informant admitted that the occurrence took place in the background of land dispute. There is a counter version of the occurrence being Bahadurganj P.S. Case No. 156 of 2017 lodged by petitioner no. 3, Enamul Haque against the informant with accusation under Sections 341, 323, 324, 325, 326, 307, 379, 504 and 506/34 of the Indian Penal Code. The accusation of assault is omnibus and general against 11 accused persons, hence, it is difficult to ascertain as who actually caused injury. It is further submitted that petitioners' side have also received injury and the informant side has been granted anticipatory bail. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the accusation has been levelled against 11 accused persons, including the petitioners.

Considering the accusation being omnibus and general against 11 accused persons including the petitioners and the occurrence admittedly took place in the background of old



land dispute coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 155 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

