

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1612 of 2018

Arising Out of PS.Case No. -121 Year- 2017 Thana -BELA District- SITAMARHI

- =====
1. Kalam, Son of Moiuddin
 2. Samim, Son of Ali Hussain
 3. Jahoor, Son of Moiuddin

All Resident of Village-Lahuriya, P.S. Bela, District-Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 11-01-2018

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 147, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The prosecution case as per the fard-beyan of the informant, Md. Anis is to the effect that on 08.05.2017 at 3.00 P.M. while the informant was in his shop the petitioners and other accused persons reached there and assaulted with lathi, danda and spear. It is specifically alleged that petitioner no. 1 Kalam and petitioner no. 3 Jahoor assaulted with Farsa and



spear,, respectively.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute between the parties. The case lodged by petitioner no. 1 being Bela P.S. Case No. 120 of 2017 against the informant side with accusation under Sections 147, 149, 341, 323, 324, 307 and 504 of the IPC, is at earlier point of time, as it was registered on 11.05.2017 at 10.45 A.M., whereas the present FIR get registered at 11.15 A.M. on same very day. Though, the informant has received injuries on the parietal region and there was fracture of 4th and 5th Metacarpal bones of the informant, the informant has retracted from the initial version and filed a petition to that effect before the learned Court below.

Keeping in view the fact that the impugned order reflects that there was lacerated wound on the parietal region and the informant received fracture injury of his 4th and 5th Metacarpal bone, but since accusation of assault is against five persons, the case lodged by the petitioners' side at earlier point of time, statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, the informant has retracted from the initial version and filed a petition to that effect before the learned Court below



and the accusation has been levelled in the background of land dispute, 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 Sub-divisional Judicial Magistrate, Sadar Sitamarhi in connection with Bela P.S. Case No. 121 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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