

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74660 of 2018

Arising Out of PS. Case No.-211 Year-2018 Thana- CHANPATIA District- West Champaran

Safrul Alam, Son of Late Basharat Mian @ Vasarad Miyan, Resident of
Village- Kaithwaliya, Police Station- Chanpatiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No.-7
For the Opposite Party/s : Mr. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-12-2018 Heard both sides.

The petitioner apprehends his arrest in Chanpatiya P.S. Case No.211 of 2018 registered under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that on 02.05.2018, at about 10 A.M. in the morning, he saw Safrul Alam(the petitioner), Afroz Alam and Firoz Alam, both sons of petitioner and 10-15 unknown persons with Nazrul Mian were ploughing his field by tractor. On the order of Safrul Alam, Firoz Alam is said to have fired. Afroz Alam assaulted him with sword which hit his neck and hand. Thereafter, the petitioner is said to have assaulted the informant with farsa and took out money from his possession.

The learned counsel for the petitioner submits that wife of the petitioner gifted the property in favour of Afroz



Alam and Firoz Alam, both sons of petitioner and they filed Title Suit No.186 of 2017 for setting aside the sale deed executed by Rabiya Khatoon and Amna Khatoon in favour of Manoj Kumar on 28.06.2017. The informant got information about the filing of the suit. Thereafter, the informant came to the field of the petitioner. It is further submitted that informant got one injury which is attributed to Afroz Alam. No corresponding injury was found on the persons of the informant.

The learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioner has got criminal antecedent. It is further submitted that informant purchased the land from the daughters of the petitioner and paying rent to the Govt. of Bihar after getting his name mutated.

There appears that there is land dispute between two sides. Prior to sale deed executed by the daughters of the petitioner, wife of the petitioner gifted the property to her sons and for that, there is a dispute between two sides. The son of the petitioner also filed Title Suit No.186 of 2017.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No.211 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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