

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1668 of 2018

Arising Out of PS.Case No. -501 Year- 2013 Thana -MAJHAULIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Manjoor Mian, S/o Ali Hasan Mian,
 2. Aslam Mian, S/o Ali Hasan Mian,
 3. Jaibun Khatoon @ Jaybun Khatoon, W/o Aslam Mian,
 4. Sayara Bano @ Saharbani, W/o Ali Hasan Mian,
 5. Ali Hasan Mian, S/o Late Fahim Mian,
All R/o Village- Bahuarawa, Katchari Tola, P.S.- Majhaulia, District-
West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Md. Nazir Ansari

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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, 447, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

The prosecution case as per the written report of the informant Adalat Mian is to the effect that on 26.12.2013 at 9.00 A.M., he was sitting at his door, in the meantime, all the FIR named accused persons came variously armed and started abusing the informant. On protest being made,



petitioner no. 1 Manjoor Mian assaulted with iron rod on the hand of the informant and when the son of the informant namely, Sabir and the informant's wife came to his rescue, then petitioner no. 5 Ali Hasan assaulted the wife of the informant with Farsa causing cut injury on her head. The accused persons assaulted the other family members also and snatched the earring of the wife of the informant worth Rs.30,000/-.

It is submitted by learned counsel for the petitioners that the injury has been found to be simple in nature and petitioners' side lodged Majhauili P.S. Case No. 432 of 2013 with accusation under Sections 447, 341, 323, 324, 379 and 504/34 of the Indian Penal Code against the informant side on 31.10.2013 at 5.30 P.M. when the present FIR was registered on 26.12.2013 at 1.30 P.M. Petitioner no. 1 is own brother of the informant and in the background of land dispute the accusation has been levelled.

Considering the fact that the injury has been found to be simple and case lodged by the petitioners' side at earlier point of time, 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, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 501 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since in a case of 2013 the petitioners preferred bail application after four years the learned Court below will positively cancel the bail bonds of the petitioners, if they failed to cooperate in the investigation or default for two consecutive occasions.

(Dinesh Kumar Singh, J)

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