

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27295 of 2018

Arising Out of PS. Case No.-447 Year-2017 Thana- RAMNAGAR District- West Champaran

1. Ziyaul Haque Khan @ Jiaul Khan, son of Jang Khan
2. Sonu Khan, son of Saiyad Khan
3. Jang Khan, son of Late Sher Mohamad Khan
4. Pharokha Begum @ Frokha Khatoon, w/o Saiyad Khan,
All are Resident of Village- Dainwarava, P.S.- Ram Nagar,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-05-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 307, 323, 341, 354, 379, 504, 427 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Afsari Begum, recorded by Jitendra Prasad Singh, S.I. Town P.S., Bettiah on 15.11.2017 at 5.15 P.M. at M. J. K. Hospital, Bettiah, to the effect that on 13.11.2017 at 11.00 A.M. when the informant came to her door, she found her agnate, eight in number, including the petitioners, cutting the trees and plants. On protest being made, the informant was assaulted. It is



specifically alleged that co-accused Lal Khan assaulted on the eye of the informant with the handle of the axe. Thereafter, petitioner no.1, Jiaul Khan caught hold the hair of the informant and pulled her on the ground and started pressing her neck. Petitioner no.2, Sonu Khan assaulted with handle of axe causing injury on her eye. On alarm being raised when Haider Khan came, then petitioner no.1, Ziyaul Haque Khan and petitioner no.3, Jang Khan assaulted him with the handle of the axe. When the informant tried to escape, petitioner no.1, Ziyaul Haque Khan caught hold of her and gave 5-6 punches on her chest. He also tried to outrage the modesty of the informant. The jewelleryes of the informant were also snatched.

It is submitted by learned counsel for the petitioners that in the background of land dispute and the petitioners being the agnate of the informant, the accusation has been levelled. The injuries have been found to be simple in nature. A statement has been made in paragraph no.3 of the petition that except petitioner no.3, who is accused in Complaint Case No.52 of 2008, all the petitioners are not having any criminal antecedent. However, the petitioners and the accused persons have compromised the issue, outside the Court, but no affidavit to that effect has been filed either before this Court, or before the



learned Court below.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the accusation being levelled in the background of land dispute between the parties, petitioners being agnate of the informant and the injury being found simple, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Bagaha, West Champaran in connection with Ramnagar P.S. Case No.447 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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