

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4532 of 2018

Arising Out of PS.Case No. -260 Year- 2017 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Sk. Sonu, S/o Sk. Mustakim,
2. Sk. Mustakim S/o Late Sk. Jalim,
3. Sk. Murtuza S/o Sk. Ishak,
4. Sk. Mainuddin S/o Sk. Naim,
5. Bismilla Khatoon W/o Sk. Bhola,
6. Sk. Naim S/o Late Sk. Nek Mohammad,
7. Sk. Bhola S/o Late Sk. Julum,
All are R/o Village- Teluha, Sk. Toli, P.S.- Nautan , District- West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners, in the present case, are seeking
anticipatory bail in connection with Nautan P.S. Case No.260 of
2017 dated 02.07.2017 lodged for the offences punishable under
Sections 147, 148, 149, 323, 324, 307, 379, 354(B), 447, 504 and
506 of the Indian Penal Code.

Learned counsel for the petitioners submits that from
bare perusal of the fardbeyan of Sheikh Junaid (informant) it
would appear that these petitioners are own Pattidar/Co-sharers of
the informant and there is a land dispute between the parties. As



per the First Information Report, it is alleged that ten accused persons were forcibly cultivating the land which belongs to the informant and on telling them not to do so all the ten accused persons started abusing to the informant. It is alleged that Sheikh Bhola (petitioner no.7) attacked on the head of the informant with Farsa and because of that the informant fell down. Accused Sheikh Babujan assaulted the informant by iron rod and when his uncle intervened to save him he was also beaten by Sheikh Babujan. Thereafter, it is alleged that when Sheikh Kawal, Sheikh Tunna, Watifa Khatoon and Shayda Khatoon came to save the informant, Sheikh Bhola caught hold of Watifa Khatoon with bad intention and torn her Blouse. Sheikh Babujan caught hold of Shayda Khatoon by her hair and put her down and torn her Blouse. On hulla, other peoples assembled here. It is alleged that Sheikh Mainuddin took out Rs.4540/- from his pocket.

Learned counsel submits that from the injury report it would appear that only one injury was found on the body of the informant, Sheikh Tunna and Sheikh Mozmil. Submission is that because of the land dispute it appears that the parties have fought with each other.

On the other hand, learned APP representing the State submits that there are specific allegations of assault against Sheikh Bhola and Shiekh Babujan. The allegation against other



accused seems to be general and omnibus. Moreover the accused Sheikh Babujan is not amongst the petitioners in the present case.

Having heard learned counsel for the parties and upon perusal of the record, in view of the specific allegations against Sheikh Bhola of causing injury on the head of the informant, I am not inclined to grant anticipatory bail to Sheikh Bhola (petitioner no.7).

So far as the petitioners no.1 to 6 are concerned, since there are no specific allegations of assault against them, in the event of their arrest/surrender before the court below within four weeks, let the above named petitioners no. 1 to 6 be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Nautan P.S. Case No.260 of 2017, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

The application is partly allowed.

Arvind/-

(Rajeev Ranjan Prasad, J)

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