

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 55721 of 2018

Arising Out of PS.Case No. -411 Year- 2017 Thana -FORBESGANJ District- ARARIA

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1. Md. Hashim, S/o Late Pachkauri
2. Md. Ajabul @ Md. Ziyabul S/o Md. Hashim.
3. Md. Tanvir S/o Usman.
4. Md. Tanzir S/o Usamn.
All resident of Village Belay Pothia, Ward No. 4, P.S. Simraha (Forbesganj)
District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-09-2018

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in Forbesganj
(Simraha) P.S. Case No. 411 of 2017 dated 06.06.2017 instituted
under Sections 341/323/324/307/379/504/34 of the Indian Penal
Code.

3. The allegation against the petitioners and two others is
of general assault and also taking away of Rs. 15,000/- cash and Rs.
25,000/- ornaments and also of threatening.

4. Learned counsel for the petitioners submitted that there
is a also a counter case for the same occurrence and the parties are
agnates. It was submitted that there is land dispute, inasmuch as, in
the official Government records, the land on which the informant
party was trying to make construction belonged to the petitioner's



family and, thus, when they tried to stop construction being illegally made by the informant party, this occurrence happened for which there is also a counter case being Forbesganj (Simraha) P.S. Case No. 412 of 2017, lodged on the same day in which one of the accused in the present case is the informant. It was further submitted that the petitioners have clean antecedent.

5. Learned APP submitted that there is specific allegation of wrong doing against the petitioners also. However, he was not in a position to controvert the fact that the allegations are general and omnibus and there is also a counter case between the parties.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in Forbesganj (Simraha) P.S. Case No. 411 of 2017, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J)

P. Kumar

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