

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58151 of 2018

Arising Out of PS.Case No. -82 Year- 2018 Thana -BAUSI District- PURNIA

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1. Md. Quasim
 2. Md. Azad. Both sons of Late Md. Jalad
 3. Bablu @ Tukku @ Babul Hussain son of Zafar Gayan @ Zafar. All are resident of Village- Baghdob Ujjain Tola P.S. Baisee, District Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Firoz Ahmad, Advocate.
For the State : Mr. Pradeep Narain Kumar, A.P.P.
For the Informant : Mr. P. K. Sinha, Advocate and Mr. Md. Musowir, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 2 Md. Azad as he has already been taken into judicial custody in connection with Baisee P.S. Case No. 82/18, pending in the court of learned C.J.M. Purnea.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 2 Md. Azad is dismissed as withdrawn.

Heard learned counsels for the petitioner nos. 1 and 3, learned counsel for the informant and learned A.P.P. for the State.



The petitioner nos. 1 and 3 are apprehending their arrest in a case for the offence registered under Sections 323, 341, 324, 307, 379 and 504/34 of the IPC.

The prosecution story, in brief, is that on 03.04.2018 at about 5.30 P.M., the informant went to fix point from *Khunta* of *Bamboo Stick* over his land and during that course, all the FIR named accused persons including these petitioners came and started obstruction in pointing the said *Khunta* and they started abusing and assaulting the wife and brother of the informant. It is also stated that petitioner no. 1 Md. Quasim gave spade blow on the head of daughter of the informant due to which she sustained severe injury on her head. Petitioner no. 3 assaulted the informant by blunt portion of *Khanti* and also assaulted his brother. During that course, son of Quasim, and Md. Azad after catching hair of wife of the informant snatched golden chain from her neck and also torn *Sari* and *Blause* due to which his wife became semi-naked.

It has been submitted by learned counsel for the petitioners that the petitioner no. 3 has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is a case of single blow. No



repetition has been made. Nature of injury is said to be simple. The alleged occurrence is said to have taken place due to land dispute. It is case and counter case between the parties.

On behalf of the learned counsels for the State and informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 and 3 Md. Quasim and Bablu alias Tukku alias Babul Hussain (except petitioner no. 2 Md. Azad) above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea, in connection with Baisee P.S. Case No. 82/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

