

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9606 of 2018

Arising Out of PS. Case No.-170 Year-2017 Thana- PALASI District- Araria

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1. Md. Irsad, S/o Md. Ashfaque,
 2. Md. Sattar S/o Md. Mainuddin, Both R/o Village- Kakorwa,
P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. SRI SATYENDRA PRASAD

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-02-2018 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 341,323,325,354(B), 380,504 and 506/34 of the IPC.

The prosecution case as per the written report of Bibi Wasima Khatoon alias Domani dated 3.7.2017, addressed to the SHO, Palasi Police Station, is to the effect that initially four FIR named accused persons including the petitioners came variously armed and started destroying the house and thereafter seven accused persons came and started damaging the house of the informant. On protest being made, the accused persons dragged the informant by catching hold of her hair and started assaulting her. The accused persons tore her sari, blouse, as a result the



informant became naked. It is alleged that petitioner no. 1 assaulted with Farsa on the head of the informant. When the son of the informant came to rescue then he was assaulted by petitioner no. 2 with iron rod. The accused persons took Rupees Twenty Five Thousand cash, jewellery and clothes from the box of the informant.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute between the parties. The injury of the informant and her son have been found to be simple in nature. There is counter version of the occurrence being Palasi P.S. Case No. 171 of 2017 under sections 341,323,325,379 and 504/34 of the IPC against the informant side and petitioners side have also received injury. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioners.

Considering the accusation levelled in the background of land dispute, there is counter version of the occurrence where the petitioners have also received injury and the informant of the informant side has been found to be simple in nature, let the



petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 ACJM VI, Araria, in connection with Palasi P.S. Case No.170 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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