

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1821 of 2018

Arising Out of PS. Case No.-249 Year-2017 Thana- AJAMNAGAR District- Katihar

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1. Sattar @ Md. Saktar, S/o Moti @ SK. Mokimuddin,
2. Mukhtar, S/o Moti @ SK. Mokimuddin
Both are resident of Village- Janki Nagar, P.S.- Azamnagar,
District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshuman Jaipuriyar, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-01-2018 Heard learned Counsels for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
341/323/307/504/506/34 of the Indian Penal Code.

The prosecution case as per the written report of informant
Md. Alauddin @ Mittu dated 10.07.2017 submitted before the
Salmari O.P., Azamnagar Police Station is to the effect that on
10.07.2017, 14 accused persons including the petitioners were
ploughing the field of the informant forcibly, on protest being
made, the accused persons assaulted the son and wife of the
informant namely, Md. Sageem and Jaigoon Nisha. It is
specifically alleged that petitioner no.1, Sattar assaulted with



iron rod on the head of the son of the informant while petitioner no.2, Mukhtar assaulted on the wife of the informant with lathi, whereas, it is alleged against co-accused Kalu and Khedu that they assaulted the two other sons of the informant.

It is submitted by learned counsel for the petitioners that the son and wife of the informant have received injuries on the scalp, which has been found by the doctor as sharp cut injury, though the same has been found to be simple in nature, but it does not corroborate the accusation against the petitioners, as injuries alleged to have been caused by hard and blunt substance like, lathi and iron rod. There is counter version of the occurrence being Azamnagar (Salmari) P.S. Case No. 248 of 2017 levelling accusation under sections 341/325/307/379/504/506/34 of the I.P.C. The accusation has been levelled in the background of land dispute. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that there is specific accusation against the petitioners.

Considering the accusation levelled being not corroborated with the medical opinion and the same being levelled in the background of land dispute 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 ACJM-VI, Katihar, in connection with Azamnagar (Salmari) P.S. Case No.249 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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