

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1955 of 2018

Arising Out of PS. Case No.-171 Year-2017 Thana- DAGARUA District- Purnia

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1. Md. Shalai @ Md. Sale, Son of Sayyad.
 2. Md. Kare @ Md Karim, Son of Sayyad
 3. Md. Sadique, Son of Md. Sale @ Sale. All Resident of Village-Jabar, P.S.- Dagaruwa, District-Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan

For the Opposite Party/s : Mr. MADHURANAND JHA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Md. Mehraj dated 15.10.2017 submitted to the Station House Officer, Dagarua Police Station is to the effect that on 14.10.2017, at about 2 PM, the informant was going to Saura Market for purchase of domestic goods, but on the way, the FIR named accused persons and six unknown persons intercepted the informant when the petitioner no.1, Md. Shalai @ Md. Sale caught the hand of the informant and started assaulting with fists and slaps. Petitioner no.2, Md. Kare @ Md. Karim assaulted



with iron rod on the head of the informant, as a result of which the informant fell down on the ground. Petitioner no.3, Md. Sadique took out Rs. 25,000/- and ornaments from the possession of the informant. It is also alleged that the accused persons damaged the house hold article and just prior to the incident, they also assaulted the father of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. At earlier point of time, petitioners' side lodged Dagarua P.S. Case No. 170 of 2017 against the informant's side with accusation under Sections 341, 323, 354, 307, 379, 504 and 506/34 of the IPC. The injury of the informant has been found to be superficial simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the fact that the petitioners' side lodged a case against the informant's side at earlier point of time and the statement made in paragraph no.3 of the petition that the petitioners are not having criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of



arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Purnea in connection with Dagarua P.S. Case No. 171 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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