

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51707 of 2018

Arising Out of PS.Case No. -235 Year- 2017 Thana -PURNEA SADAR District- PURNIA

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1. Md. Habib, S/o Late Jittu ,
 2. Samana Khatoon @ Samna Khatoon W/o Md. Habib ,
 3. Md. Mumtaz S/o Md. Habib, null
 4. Md. Naushad @ Md. Naushd @ Nayyar S/o Md. Habib,
 5. Md. Shamshad S/o Md. Habib, All R/o Vill.- Fasia), P.S.- Muffasil,
District- Purnea.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajit Ranjan Kumar, Advocate.
For the Opposite Party : Smt. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 149, 323, 324 and
307 of the IPC.

The prosecution story, in brief, is that on 07.05.2017
at about 7 A.M., accused persons named in the FIR were cutting
the bamboos from the share of informant Md. Alam. On the basis
of information provided by Md. Samsuddin, informant went there
then he saw that accused persons, confining his brothers, were
assaulting him. Seeing the informant, Md. Habib and his wife



Samna Khatoon caught him and ordered his son Md. Mumtaz to kill him. Md. Mumtaz with intention to kill the brother of informant assaulted him with Dabia from which he sustained head injury and blood started oozing. He fell down on the ground becoming unconscious. Md. Naushad and Md. Shamshad also assaulted the second brother of informant with iron rod. He also fell down and sustained head injury. Blood started oozing. People assembled there intervened in the matter.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is case and counter case between the parties. The alleged occurrence is said to have taken place due to land dispute. Both sides are said to have sustained injuries. Injury on the side of petitioners has not been explained by the prosecution. From the order of learned Sessions Court, it is evident that the nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners 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 Sadar (Mufassil) P.S. Case No. 235 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

