

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59828 of 2018

Arising Out of PS.Case No. -348 Year- 2017 Thana -PALASI District- ARRARIA

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1. Md. Mustaque @ Mustaque, Son of Late Ainul
 2. Md. Anwar, Son of Mustaque
 3. Md. Mujaffar, Son of Mustaque
 4. Bibi Rahmati, Wife of Mustaque All are residents of Village- Palasi,
Police Station- Palasi, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 28-09-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 325, 307, 379 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of Md. Majoor Alam dated 23.12.2017 submitted to the Station House Officer, Palasi P.S., to the effect that petitioner no. 4, Bibi Rahmati started abusing the informant, in the background of a land dispute. On protest, all the accused persons came in the courtyard and assaulted the informant and when the wife of the informant, Bibi Shaukati came to rescue then petitioner no. 1,



Md. Mustaque assaulted and took her silver chain and when the brother of the informant, Md. Mansoor came to their rescue then petitioner no. 2, Md. Anwar assaulted with lathi causing injury on her head. When the informant and his wife entered into their house petitioner no. 1, Md Mustaque and others, followed into their house and after assaulted them, threatened them of dire consequences.

It is submitted by learned counsel for the petitioners that the accusation has been levelled in the background of land dispute. The injury has been found superficial simple in nature. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation of assault.

Considering the nature of accusation, injury being found simple in nature and statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Araria in connection with Palasi P.S. Case No. 348 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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