

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6004 of 2019

Arising Out of PS. Case No.-398 Year-2018 Thana- RUNISAIDPUR District- Sitamarhi

1. Md. Firoj Son of Md. Islam Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
2. Halima Khatoon Wife of Md. Latif Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
3. Jarina Khatoon Wife of Md. Firoj Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
4. Roshan Khatoon Wife of Md. Sabir Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
5. Hamida Khatoon Daughter of Md. Latif Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
6. Sahida Khatoon Wife of Md. Islam Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
7. Nur Alam @ Nur Mohammad Son of Md. Latif Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
8. Alam Son of Md. Latif Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi
9. Md. Sabir Son of Md. Israil Resident of Village - Thumma, P.S.- Runnisaidpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,149,307,379,504,341 and 323 of the IPC. Subsequently, Section 302 of the IPC was added after the death of Md. Salam.

The prosecution case as per the written report of Md. Akhtar dated 12.7.2018 submitted to the SHO, Runnisaidpur



Police Station is to the effect that the accused persons were keeping shrubs on the land of the informant which was objected by the wife of the informant whereupon, co-accused Md. Latif (non-petitioner) assaulted the informant with Farsa and co-accused Md. Islam (non-petitioner) assaulted the cousin brother of the informant, namely, Salam by Dab on his head causing cut injury. It is further alleged that co-accused Md. Abid and petitioner no. 1 assaulted the informant and others and co-accused Md. Latif took away Rupees Thirty Two Thousand from the pocket of the informant.

It is submitted by learned counsel for the petitioners that specific accusation of assault to the informant with Farsa is against co-accused Md. Latif and to the deceased Md. Salam is against co-accused Md. Islam and both of them are not petitioners. It is further submitted that accusation against the petitioner is omnibus and general. The impugned order suggests that only one injury was found on the body of the deceased.

Learned counsel for the informant and learned APP submit that the accusation of assault has also been levelled against the petitioners, particularly, against petitioner no. 1.

Considering the specific accusation of assault to the informant and his cousin brother against co-accused Md. Latif



and Md. Islam and the genesis of the occurrence being previous land dispute, 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 CJM, Pupri at Sitamarhi in connection with Runnisaidpur P.S. Case No.398 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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