

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5996 of 2019

Arising Out of PS. Case No.-214 Year-2018 Thana- DAGARUA District- Purnia

1. MD. MISKAT,
2. Md. Meraj @ Merajul Haque,
Both sons of Late Md. Mahfooz Alam,
3. Md. Hafiz,
4. Md. Mojib,
Both sons of Md. Rafique Alam,
All Residents of Village- Bishanpur, Police Station- Dagarua, District-
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khatim Reza, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the petitioners, informant
and the State.

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

The prosecution case as per the written report of Ozair
Ahmed submitted to the S.H.O., Dagarua P.S. is to the effect
that a land appertaining to Thana No.287, Khata No.42, Plot



No.69 situated at Mauza Arara was purchased by the father of the informant. Thereafter, the mutation was done in favour of the informant and the house of the informant was under construction over the land in question. On 21.10.2018, petitioner no.1, Md. Miskat, petitioner no.2, Md. Meraj and co-accused Umar Farooque came and started taking away the bricks kept on the land in question. It is further alleged that when the mother of the informant, Tahima Khatoon made protest, then all the accused persons started assaulting and throttling her. In the meantime, the informant and his brother, Aawesh Ahmad came to pacify the issue, then petitioner no.4, Md. Mojib, petitioner no.3, Md Hafiz and petitioner no.2, Md. Meraj assaulted the informant and his brother. It is specifically alleged that co-accused, Umar Farooque assaulted with an iron rod on the head of the brother of the informant causing grievous injuries. It is further alleged that when the father of the informant, Mahmood Alam and Mukhiya of the village, Salauddin came to rescue them, they were also assaulted by all the accused persons.

It is submitted by learned counsel for the petitioners that petitioner nos.1 and 2 are cousin brothers and petitioner nos.3 and 4 are uncles of the informant and in the background of the land dispute, accusation has been levelled against the



petitioners. Moreover, specific accusation of assault to the brother of the informant, causing grievous injuries is against the co-accused, Umar Farooque. It is further submitted that the grandfather of the petitioners, Md. Zainuddhin, lodged a case at an earlier point of time against the informant and others, being Dagarua P.S. Case No.219 of 2018 with accusation under Sections 147, 149, 323, 324, 307, 504 and 506 of the Indian Penal Code. 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 learned counsel for the informant that the injuries caused to the brother of the informant, has been found grievous in nature. It is further submitted that there is specific accusation of assault against all the accused persons.

Considering the fact that the accusation of assault against the petitioners being omnibus and general in nature and there is specific accusation of assault on the head of the brother of the informant is against the co-accused, Umar Farooque, 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) with two sureties of the like amount each to the satisfaction of the learned **A.C.J.M.-II, Purnea** in connection with **Dagarua P.S. Case No.214 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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