

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6244 of 2019

Arising Out of PS. Case No.-1037 Year-2018 Thana- KATI HAR
COMPLAINT CASE District- Katihar

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1. Noorul Hoda aged about 48 years (male), son of Dabiruddin
 2. Md. Mister, aged about 45 years (Male), son of Dabiruddin
 3. Md. Mokimuddin @ Makimuddin aged about 55 years (Male)son of Rustam Ali
 4. Gyasuddin aged about 54 years (Male), son of Zohruddin
 5. Md. Quasim aged about 52 years, (Male), son of Zohruddin
- All Resident of village- Hura Hazra, P.O.- Porla, P.S. Azam Nagar, District- Katihar.

... .. Petitioners

Versus

1. The State Of Bihar
2. Md. Aslam aged about 45 years (Male) son of Md. Mainuddin resident of village- Hura Hazra, P.O.- Porla, P.S. Azam Nagar, District- Katihar.

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Anisur Rahman, Advocate.
For the Complainant : Mr. Md. Rahmatullah, Advocate.
For the State : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioners, learned
APP for the State as well as learned counsel for the complainant.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 323, 354 and 379 of the Indian Penal Code registered in connection with Complainant Case No. 1037 of 2018.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of admitted land dispute between the parties who are all relative to each other as evident from Title



(Partition) Suit No. 66 of 2017 which is pending. There is no injury report to corroborate the accusation of assault with knife on the neck of the complainant. The petitioners claim clean antecedents.

4. Learned counsel for the complainant appearing *suo motu* and has been heard.

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIth, Katihar in connection with Complaint Case No. 1037 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioner herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(iv) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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