

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9803 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- BELDOUR District- Khagaria

1. Md. Juned Alam Son of Md. Rouf @ Rauk Resident of Village- Dighaun, P.S.- Beldaur, District- Khagaria.
2. Md. Asam @ Md. Aasam Son of Late Md. Sabbir Resident of Village- Dighaun, P.S.- Beldaur, District- Khagaria.
3. Maisun Khatun Wife of Md. Aasam Resident of Village- Dighaun, P.S.- Beldaur, District- Khagaria.

... .. Petitioners.

Versus

The State Of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Viveka Nand Singh, Advocate.
For the State	:	Mr. Nand Kishore Prasad, A.P.P.
For the Informant	:	Mr. Pankaj Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 10-05-2019 It appears that the petitioner no.3, namely, Maisun Khatun, has already been granted the privilege of pre-arrest bail by a Bench of this Court vide order dated 19.02.2019, as such, today, only the prayer of the petitioner nos.1 and 2, above named, for grant of privilege of pre-arrest bail is being considered.

Heard learned counsel for the petitioner nos.1 and 2, above named, and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioner nos.1 and 2, above named, apprehend their arrest in connection with Beldaur P.S. Case No.153 of



2018 registered under Sections 341, 323, 447, 427, 307, 504 and 435/34 of the Indian Penal Code.

The accusation is that six persons, named in the F.I.R., including the petitioner nos.1 and 2 and 8-9 unknown came at the door of the informant and, thereafter, on the order of Md. Rauf, others started to break the wall and door of the house of the informant. When the informant made protest, then they started to cause assault to the informant through lathi and danda. When Md. Gulfan, the son of the informant, and PACS Chairman Md. Ataullah came in rescue, then they were also assaulted by them. Due to assault, the informant sustained injury on his head, whereas Md. Ataullah sustained injury near his eye and Md. Gulfan, the son of the informant, sustained injury on his leg.

Learned counsel for the petitioner nos.1 and 2 submits that there is general and omnibus allegation against the petitioner nos.1 and 2 and 4 others and 8-9 unknown to cause injury to the informant, Packs Chairman Md. Ataullah and Md. Gulfan, the son of the informant. The injury sustained by the informant is simple in nature and the opinion regarding the nature of the injury sustained by Md. Ataullah has been kept reserved and there is no injury report of Md. Gulfan, the son of



the informant in the case diary. In fact, due to land dispute, the occurrence of “Maar-Peet” took place in between the parties, in which the aforesaid petitioners’ side also sustained injury regarding which on the basis of the fardbeyan of the co-accused Md. Shakil, Beldaur P.S. Case No.154 of 2018 was also instituted under Sections 341, 323, 324, 504 and 307/34 of the Indian Penal Code against the informant and others.

Having considered the facts and the circumstances of the case, let the petitioner nos.1 and 2, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Khagaria, in connection with Beldaur P.S. Case No.153 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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