

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 7751 of 2019

Arising Out of PS. Case No.-362 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Abdul Sattar @ Munna, son of Ali Raja Resident of Village- Koini, Police Station- Manjhagarh, District- Gopalganj.
2. Abdul Jabbar, son of Ali Raja Resident of Village- Koini, Police Station- Manjhagarh, District- Gopalganj.
3. Naiyar @ Dablu, son of Abdul Sattar @ Munna, Resident of Village- Koini, Police Station- Manjhagarh, District- Gopalganj.
4. Perwez Alam @ Perwez, son of Maqusood, Resident of Village- Koini, Police Station- Manjhagarh, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mohammad Sufyan
For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 07-05-2019 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Manjhagarh P.S. Case no. 362 of 2018, registered under Sections 147, 148, 149, 323, 332, 333, 307, 353 and 327 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that on 20.11.2018 informant Anil Kumar Singh, Sub-Inspector of Police along with other



Police personnel were on evening patrolling duty, at that time, he received information from Officer-in-Charge, Manjhagarh Police Station to the effect that there is tension in between Arman Ali and Abdul Jabbar due to land dispute in village-Koini. Thereafter, he reached in village Koini then saw that 40-50 persons were indulged in committing Marpit, while he along with other Police personnel tried to pacify the dispute, but in the meantime, petitioner Nos.1, 2, 3 Abdul Sattar @ Munna, Abdul Jabbar, Naiyar @ Dablu, respectively, Arsad Imam, Ajaj Ahmad, Nawaz Ahmad, petitioner No.4 Perwez Alam, Sabir Ali and 20 unknown, who were armed with lathi, sword, attacked on informant. At that time, petitioner No.3 Naiyar @ Dablu caused injury through lathi at his head causing blood oozing injury then he fell down. Thereafter, armed forces tried to save him then Abdul Jabbar and Abdul Sattar fired through their licensee guns to create nuisance.

Learned counsel appearing for the petitioners submits that it would appear from the F.I.R. that when the informant along with other Police personnel reached at the place of occurrence, 40-50 persons were quarreling and scuffling due to land dispute. At that time, when informant and others tried to pacify the dispute then Naiyar @ Dablu



(Petitioner No.3) caused injury through lathi, while allegation has been made against the petitioner No.1 Abdul Sattar and petitioner No.2 Abdul Jabbar that they made firing, but it is clear from F.I.R. that firing was made only to create nuisance. Moreover, injury as said to be caused by petitioner No.3 Naiyar @ Dablu as found on the head of the informant is of simple in nature. Further submission is that petitioners are accused in Manjhagarh P.S. Case No. 368 of 2018 of subsequent event of the present case. Annexure-2 shows that one lacerated wound on frontal region 3"x1/2" deep scalp was found on the head of informant, which is said to be caused by petitioner No.3 Naiyar @ Dablu.

Having regard to the facts and circumstances of the case, let the above named petitioners No. 1, 2 and 4, namely, Abdul Sattar @ Munna, Abdul Jabbar and Perwez Alam @ Perwez, is directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No. 362 of 2018, subject to the condition as laid down under Section 438



(2) of the Cr.P.C.

So far as petitioner No.3, namely, Naiyar @ Dablu is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner No.3, I am not inclined to grant anticipatory bail to the petitioner No.3. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner No.3 Naiyar @ Dablu is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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