

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8665 of 2019

Arising Out of PS. Case No.-368 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Abdul Sattar @ Munna, Son of- Ali Raja
2. Abdul Zabbar, Son of- Ali Raja,
3. Naiyer @ Dablu, Son of-Abdul Sattar @ Munna,
4. Parwez Alam, Son of- Maqusood, All are resident of village-Koini, P.S. Manjhagarh, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 15055 of 2019

Arising Out of PS. Case No.-368 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Sabir Ali, S/o Noor Alam Resident of Village- Koini Ansari Tola, P.S.- Manjhagarh, District- Gopalganj.
2. Noor Alam, S/o Md. Raja Resident of Village- Koini Ansari Tola, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar,

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 15881 of 2019

Arising Out of PS. Case No.-368 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Arshad Imam @ Sabbu @ Shabbu, Son of Azad Ali (Wrongly Mentioned 24 Year in the F.I.R.) Resident of Village- Koini, P.S.- Manjhagarh, District- Gopalganj.
2. Nawaz Ali @ Nawaz Ahmed Son of Azad Ali (Wrongly mentioned 22 year in the F.I.R.) Resident of Village- Koini, P.S.- Manjhagarh, District- Gopalganj.
3. Ezaz Ali @ Ajaj Ahmad Son of Azad Ali (Wrongly mentioned 22 year in the F.I.R.) Resident of Village- Koini, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioners

Versus

The State of Bihar,

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8665 of 2019)

For the Petitioner/s : Mr.Mohammad Sufyan

For the Opposite Party/s : Mr.Bharat Lal



(In CRIMINAL MISCELLANEOUS No. 15055 of 2019)

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Madhuri Lata

(In CRIMINAL MISCELLANEOUS No. 15881 of 2019)

For the Petitioner/s : Mr.Mohammad Sufyan

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 07-05-2019 All the aforesaid three applications arise out of the same Manjhagarh P.S. Case No. 368 of 2018, registered under Sections 147, 148, 149, 323, 324, 325, 307, 379 and 504 of Indian Penal Code and Section 27 of the Arms Act. Therefore, all the aforesaid applications have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners, learned counsel appearing on behalf of informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Manjhagarh P.S. Case No. 368 of 2018, registered under Sections 147, 148, 149, 323, 324, 325, 307, 379 and 504 of Indian Penal Code and Section 27 of the Arms Act

The accusation is that Abdul Sattar and Abdul Zabbar, who are arrogant wanted to capture the land situated behind the house of informant, namely, Arman Ali due to that reasons, the informant had given an application to Manjhagarh



Police Station. Thereafter, in the evening of 20.11.2018, Abdul Jabbar, Abdul Sattar, Naiyar @ Dablu, Azad Ali, Arsad Imam, Ajaj Ali, Nawaz Ali, Akram Raja, Aslam, Parweej Alam, Sabir Ali, Raja and Noor Alam having variously armed with lethal weapons came and started digging foundation, when informant made protest then Abdul Jabbar and Abdul Sattar made indiscriminate firing through their licensee rifle and pistol. On hearing the sound of firing, when Nesar Ahmad, uncle of informant, and Tanweer Alam rushed there then Azad Ali with intention to kill gave Farsa blow at the head of Nesar Ahmad, uncle of informant, Arsad Imam and Ajaj Ali were assaulted by Nawaz Ali, Akram Raja, Aslam and Perweej Alam and Sabir also caused injury through lathi in which Tanweer Alam sustained fracture injury in his hand. The informant also sustained injury in his hand, when the local Police came on jeep and tried to pacify the dispute then petitioner No.3, namely, Naiyer @ Dablu of Criminal Miscellaneous No. 8665 of 2019, while tried to cause assault at the head of Tanweer, but the same was hit one of the Police personnel at his head.

Learned counsel appearing on behalf of the petitioners submits that it would appear from F.I.R. that occurrence of Marpit took place due to land dispute. Moreover,



the injuries as found on the person of the informant Arman Ali, Tanweer Alam and Nesar Ahmad are of simple in nature caused by hand and blunt substance and no any fracture injury was found on the person of informant.

Learned counsel appearing on behalf of the informant opposed the prayer for pre-arrest bail of the petitioners and submits that petitioners No.1 and 2 Abdul Sattar @ Munna and Abdul Zabbar of Criminal Miscellaneous No. 8665 of 2019 are also accused in murder case i.e. Manjhagarh P.S. Case No. 157 of 2007.

Having regard to the facts and circumstances of the case, let the above named petitioners, 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. 368 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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