

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19880 of 2019

Arising Out of PS. Case No.-269 Year-2018 Thana- KORHA District- Katihar

1. MD. SAID ALI @ MD. SAID Son of Late Sabir Ali Resident of Village - Tin Paniya, P.s.- Korha, Distt.- Katihar.
2. Abdul Kalam @ Abdul Kalam Azad @ Dablu Son of Late Sabir Ali Resident of Village - Tin Paniya, P.s.- Korha, Distt.- Katihar.
3. Kamrun Nisha W/o Md. Said Ali Resident of Village - Tin Paniya, P.s.- Korha, Distt.- Katihar.
4. Rabina Khatoon @ Ruby W/o Abdul Kalam Resident of Village - Tin Paniya, P.s.- Korha, Distt.- Katihar.
5. Mozibur Rahman Son of Md. Islam Resident of Village - Tin Paniya, P.s.- Korha, Distt.- Katihar.
6. Sanjeev @ Md. Sanjeev Akhtar Son of Maulvi Kalimuddin Resident of Village - Tin Paniya, P.s.- Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Korha Police Station Case No. 269 of 2018, disclosing offences under Sections 147/148/323/307/379/380/384/448/427/504 of the Indian Penal Code.

The allegation against the petitioners is that they started demanding share in their parental property. Thereafter,



on the date of occurrence, the petitioners, holding arms in their hands, brutally assaulted the informant and her son.

Learned Counsel for the petitioners submits that the petitioner nos. 1 and 2 are the step son of the informant; whereas petitioner nos. 3 and 4 are the wives of petitioner nos. 1 and 2 and petitioner nos. 5 and 6 are maternal uncles. He submits that no injury has been found on the person of the informant and her son, as per the materials available in the case diary. He further submits that false accusation has been made by the step-mother of petitioner nos. 1 and 2 with oblique motive.

On the other hand, learned Additional Public Prosecutor submits that the only material which has come in the case diary against the petitioners is that they damaged the house of the informant by means of farsa.

After having heard learned Counsel for the parties and taking into consideration the fact that both the parties are related and their appears to be dispute pertaining to partition between them and no injury has been caused to the informant and her son, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Korha Police Station Case No. 269 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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