

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29096 of 2019

Arising Out of PS. Case No.-14 Year-2017 Thana- ANGARH District- Purnia

1. Samsul Haque, age about 40 years, Male, Son of Sher Mohammad, Resident of Village Chandwar Kolha, P.S. Angarh, Distt Purnea.
2. Md. Rafique, aged about 35 years, Male, Son of Sher Mohammad, Resident of Village Chandwar Kolha, P.S. Angarh, Distt Purnea
3. Sher Mohammad, aged about 65 years, Male, Son of Late Abdul Wahid, Resident of Village Chandwar Kolha, P.S. Angarh, Distt Purnea
4. Sanwara Khatoon, aged about 35 years, Female, Wife of Bakar Ali, Resident of Village Chandwar Kolha, P.S. Angarh, Distt Purnea
5. Maseda Khatoon, aged about 32 years, Female, Wife of Alauddin, Resident of Village Chandwar Kolha, P.S. Angarh, Distt Purnea
6. Anwara Khatoon, aged about 38 years, Female, Son of Jakkar Ali, Resident of Village Chandwar Kolha, P.S. Angarh, Distt Purnea
7. Sabila @ Sabila Khatoon, aged about 35 years, Female, Wife of Sahabuddin, Resident of Village Chandwar Kolha, P.S. Angarh, Distt Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-05-2019 Heard both sides.

Petitioners apprehend their arrest in Angarh P.S. Case
No. 14 of 2017, registered under Sections 307, 323, 427, 504,
506 and 341 of the Indian Penal Code.

The informant named 11 persons including all the 7
petitioners and alleged that they came and began to demolish his
house. When the informant and his family members came to



protest, the accused persons assaulted them.

Learned counsel for the petitioners submits that the informant Rustam Ali is own brother of Sher Mohammad, the father of petitioner no. 1 Samsul Haque. There is bona fide land dispute between the two sides. The family member of the both the brothers entered into scuffle on account of land dispute and some of them sustained injuries but the injuries are simple in nature. There is no specific allegation against any of the accused persons as to who assaulted Usman or any other injured. The police after investigation submitted charge-sheet under bailable Section of the Indian Penal Code but the learned Court below after differing with the findings of the Investigating Officer took cognizance under Section 307 and other Sections of the Indian Penal Code. The petitioners were given notice under Section 41(1) Cr.P.C. to appear before the court but once the cognizance under Section 307 of the Indian Penal Code is taken, petitioners apprehend their arrest.

Learned counsel for the informant vehemently opposed the prayer for bail and submits that the petitioners assaulted Md. Usman and two others but the learned counsel for the informant could not be able to show as to who assaulted Md. Usman.



Considering the facts that the families of two brothers have entered into scuffle with each other on account of land dispute in which Md. Usman and two others got simple injuries but no specific allegation of assault is made against the petitioners, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea in connection with Angarh P.S. Case No. 14 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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