

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21788 of 2019

Arising Out of PS. Case No.-329 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. Nurul Islam @ Nurul, Son of Nurullah, Resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.
2. Ahamad Hussain @ Amjad Hussain, Son of Shah Mohammad @ Shahu, Resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.
3. Md. Nurrullah @ Mahmad Nurullah, Son of Lae Mobarak Hussain, Resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.
4. Monu, Son of Mahmad Nurullah, Resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.
5. Shah Mohammad @ Sonu, Son of Late Madina Shah, Resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.
6. Bhuttu, Son of Shah Mohammad @ Sahu, Resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.
7. Amir Ahamad, Son of Late Sadina Shah, Resident of Village-Jhirwa, Police Station-Uchakagaon, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 335, 307, 427, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act.



The prosecution case as per the fardbeyan of Saiyad Azaz Ahmad recorded by A.S.I., Brij Nandan Ray of Town P.S. Gopalganj on 15.12.2018 at 6.53 P.M. in Emergency Ward of Sadar Hospital, Gopalganj is to the effect that on the same day at 3.00 P.M., 10 FIR named accused persons including the petitioners came variously armed and started abusing the informant, when the son of the informant came out from the house then petitioner no. 1, Nurul Islam and petitioner no. 2, Ahmad Hussain fired with the country made pistol when the son of the informant, Saiyad Kasim brought his licensee gun from his house then the accused persons started assaulting the informant. Thereafter, petitioner no. 3, Md. Nurrullah assaulted the informant with sword causing cut injury, petitioner no. 5, Shah Mohammad assaulted with dagger to the son of the informant causing cut injury, co-accused Gulam Nakki assaulted the other son of the informant, Saiyad Kasim causing injury. When the informant and his son fell down, then petitioner no.2, Ahmad Hussain put barrel of country made pistol in the mouth of other son of the informant, Nasim Azaz. Accused persons also pelted stones on the house of the informant and damaged the same. It is alleged that the chain of the son of the informant was snatched away by the accused persons.



It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. The injuries of the informant and his son have been found superficial simple in nature. None of the injuries have been found caused by dagger. It is further submitted that there is a counter version of the occurrence also and the petitioners' side have also received injuries. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioners.

Considering the accusation not being corroborated by the medical opinion and there is a counter version of the occurrence, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 329 of



2018, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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