

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20025 of 2019

Arising Out of PS. Case No.-270 Year-2018 Thana- PALASI District- Araria

1. Md Sahnawaz, Son of Md. Anish Resident of Village-Urlaha, P.S-Palasi, District-Araria.
2. Md. Anish, Son of Late Sobrati Resident of Village-Urlaha, P.S-Palasi, District-Araria.
3. Md. Afarul Son of Gulam Rasool Resident of Village-Urlaha, P.S-Palasi, District-Araria.
4. Bibi Kari Wife of Late Zahur Resident of Village-Urlaha, P.S-Palasi, District-Araria.
5. Bibi Sabana Wife of Jahagir Resident of Village-Urlaha, P.S-Palasi, District-Araria.
6. Bibi Suleha @ Bibi Sulena Wife of Shabbir Resident of Village-Urlaha, P.S-Palasi, District-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Opposite Party/s : Mrs. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 447, 341, 323, 307, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Md. Kausar, dated 25.09.2018, submitted to the Station House Officer, Palasi Police Station, is to the effect that on 23.09.2018



at about 10 A.M., due to old enmity, all the eight FIR named accused persons including the petitioners entered into the house of the informant and assaulted the informant and his cousin brothers, namely, Md. Gyas and Mustak. It is specifically alleged that petitioner no.1, Md. Shahnawaj assaulted the cousin brother of the informant with lathi causing him swelling injury on his hand and all the accused persons took away cash amount of Rs. 45,000/-, and silver and gold jewellery from the house of the informant.

It is submitted by learned counsel for the petitioners that accusation against the petitioners is omnibus and general. The injuries of the informant's side have been found superficial simple in nature. It is further submitted that there is counter version of the occurrence also, being Palasi P.S. Case No. 271 of 2018, lodged by the petitioners' side against the informant's side and the petitioners' side have also received injuries. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the accusation being levelled in the background of land dispute, nature of injury being found



superficial simple in nature and the counter version of the occurrence, coupled with the statement made in paragraph no.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/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 like amount each to the satisfaction of learned ACJM-V, Araria in connection with Palasi P.S. Case No. 270 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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