

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22174 of 2019**

Arising Out of PS. Case No.-320 Year-2018 Thana- UJIYARPUR District- Samastipur

1. MD. IRSHAD Son of Late Md. Hakim Resident of Village - Chandchour Mathurapur, P.O and P.S.- Ujiyarpur, Distt - Samastipur.
2. Md. Taiyab Son of Late Md. Yaquv Resident of Village - Chandchour Mathurapur, P.O and P.S.- Ujiyarpur, Distt - Samastipur.
3. Md. Arshad Son of Md Taiyab Resident of Village - Chandchour Mathurapur, P.O and P.S.- Ujiyarpur, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Rajendra Nath Jha

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      08-04-2019                      Heard both sides.

The petitioners apprehend their arrest in Ujiyarpur P.S. case No. 320 of 2018 registered under Section 307, 379, 325 and other minor Sections of the IPC.

The informant, Md. Shamim, alleged in his fard bayan that while his father was returning after offering prayer the accused persons, having armed with different weapons, surrounded him and began to abuse. There was commotion and on such the informant also reached there. Md. Murshid fired at the informant but the shot did not hit the informant. Md. Arshad, petitioner No.3, is alleged to have assaulted the informant with



Farsa on his head. When the informant fell down other accused persons also assaulted the informant. It is further alleged that when Md. Anuthe came to save, Md. Irshad, petitioner No.1, assaulted Md. Anuthe with iron rod. Md. Taiyab, petitioner No.2, is said to have ordered Md. Murshid to snatch money from the pocket of informant.

The learned counsel for the petitioners submits that admittedly the occurrence took place on 07.12.2018 but the informant gave his fard bayan on 08.12.2018. There was quarrel between two sides on account of land dispute. From the side of petitioners Ujiyarpur P.S. case No. 314 of 2018 was registered in which all the three petitioners and others were brutally assaulted. Petitioner No.2 got grievous injuries. Petitioner No. 1 and 3 got seven injuries on different parts of their body. It is further submitted that informant got injuries on his forehead and shoulder. The opinion of injury was kept reserved but later on the doctor opined that both the injuries are simple in nature. No other person from the side of informant has been injured and, therefore, the petitioners could not be able to affix injury report of other persons except the informant (Annexure-4).

Taking into consideration the facts that there is case and counter case and both sides entered into mutual assault on



account of land dispute in which from the side of informant only informant got injuries and the doctor opined the injury to be simple in nature whereas from the side of petitioners petitioner No.2 got grievous injuries and petitioner No.1 and 3 got seven injuries, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Dalsingsarai (Samastipur) in connection with Ujiarpur P.S. case No. 320 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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