

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34193 of 2019

Arising Out of PS. Case No.-28 Year-2019 Thana- TARAIIYA District- Saran

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1. Sheikh Akhtar @ Akhtar Ali, Son of Sheikh Haim, Resident of Village - Rajwara, P.S.- Taraiyan, Distt - Saran at Chapra.
 2. Sheikh Sultan @ Sultan Mian, Son of Sheikh Hasim, Resident of Village - Rajwara, P.S.- Taraiyan, Distt - Saran at Chapra.
 3. Md. Sonu Alam @ Sonu Alam, Son of Sheikh Akhtar, Resident of Village - Rajwara, P.S.- Taraiyan, Distt - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 17-07-2019 Learned counsel for the petitioners submits that petitioner nos. 1 and 2, namely, Sheikh Akhtar and Sheikh Sultan @ Sultan Mian, have been arrested by the police, so he seeks permission to withdraw this application with respect to petitioner nos. 1 and 2.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner nos. 1 and 2.

Heard learned counsel for the petitioner no.3 and the learned A.P.P. for the State.

The petitioner no.3, Md. Sonu Alam @ Sonu Alam,



apprehends his arrest in connection with Taraiya P.S. Case No. 28 of 2019, registered under Sections 341, 323, 324, 379, 436 and 506/34 of the Indian Penal Code.

The accusation is that in the evening of 15.01.2019, informant, Md. Saiyad Ali, was coming to his village boarding on motorcycle. In the way, nine persons named in the F.I.R. including the petitioners were digging the road. When the informant made protest then Sekh Akthar gave sword blow causing injury at the chest of the informant and Sekh Manor caused injury through butt of the pistol at his left forearm. When Sarwari Khatoon, wife of the informant came to save him then Sekh Multan, Sonu Alam (petitioner no.3), Soni Khatoon, Surasa Khatoon caused injury to the wife of the informant through lathi. Thereafter, her daughter, Hasan Tara, was also assaulted by Soni Khatoon, Kurasa Khatoon through stick. At that time, Sekh Akhtar and Sultan took cash of Rs.45,300/- from the pocket of the informant.

Learned counsel for the petitioner submits that due to land dispute, occurrence took place, in which, petitioner no. 3, Md. Sonu Alam @ Sonu Alam also sustained injury, regarding which, Taraiya P.S. Case No. 17 of 2019 is also instituted on the basis of written report of petitioner no.3.



Moreover, while the allegation has been made against petitioner no. 3 to cause injury to Sarwari Khatoon, wife of the informant through stick but there is no description in the case diary regarding injury of Sarwari Khatoon, which is up to paragraph 61 till 26.05.2019 and petitioner no. 3 has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner no.3 be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IX, Saran at Chapra, in connection with Taraiya P.S. Case No. 28 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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