

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36437 of 2019

Arising Out of PS. Case No.-848 Year-2018 Thana- ARARIA District- Araria

1. Marghub @ Md. Margub Alam, Son of Md. Mustaque, Resident of Village - Kharaiyabasti, Trisuliya Ghat, Ward No.3, P.S.- Araria., Dist.- Araria.
2. Bibi Lakho @ Lakho D/o Md. Mustaque Resident of Village - Kharaiyabasti, Trisuliya Ghat, Ward No.3, P.S.- Araria., Dist.- Araria.
3. Bibi Sahansah Wife of Md. Mustaque Resident of Village - Kharaiyabasti, Trisuliya Ghat, Ward No.3, P.S.- Araria., Dist.- Araria.
4. Md. Afzal @ Afzal Son of Late Wasique, Resident of Village - Doriya Sonapur, P.S.- Simraha, Dist.- Araria.
5. Md. Munna @ Munna Son of Satti Resident of Village - Binodpur, Tithiya, P.S.- Raniganj, Dist.- Araria.
6. Md. Nausad @ Nausad Son of Satti Resident of Village - Binodpur, Tithiya, P.S.- Raniganj, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-08-2019 Heard learned counsel for the petitioners and
learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Araria P.S. Case No.848 of 2018 for the offence punishable
under Sections 341, 323, 324, 307, 379/34 of the Indian Penal
Code.

The allegation against the petitioners is that there was
dispute of partition / share in the land and informant was present



in Panchyat claiming his share in the name of her wife namely, Neelam Ara. Mustaque also shown his document regarding his right with respect to the land in question but the Panches said Mustaque has already sold the share of his land. Upon this accused persons came with lathi and started assaulting the informant and his son by deadly weapons. Co-accused assaulted by Farsa due to which they received injury upon his elbo and Nadeem inflicted sharp blow upon his head.

Learned counsel for the petitioners submits that there is no allegation against the petitioners for assaulting any one and the same has been alleged against the accused, namely, Gulshad and Nadeem. He further submits that from perusal of the injury report, it appears that the injures are simple in nature and the parties are agnate and due to the land dispute, the petitioners have been falsely implicated in this case.

Learned counsel for the State after referring the case diary submits that allegation against the petitioners are general and omnibus and specific allegation of assault is upon Gulshad and Nadeem.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there is no specific



allegation against the petitioners for assault and injury caused to informant are simple in nature and both the parties are agnates, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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