

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48406 of 2019

Arising Out of PS. Case No.-203 Year-2019 Thana- MAJHAULIA District- West Champaran

1. SK. NOORAIN @ MUNNA, aged about 30 years, Male, Son of Sk. Bashir, Resident of Village Ramnagar Bankat, P.S. Majhauria, Distt West Champaran.
2. Sk. Jabulain, aged about 22 years, Male, Son of Sk. Bashir, Resident of Village - Ramnagar Bankat, P.S.- Majhauria, Distt - West Champaran.
3. Banhu Mian, aged about 45 years, Male, Son of Late Jamadar Mian, Resident of Village - Ramnagar Bankat, P.S.- Majhauria, Distt - West Champaran.
4. Hanif Mian, aged about 35 years, Male, Son of Khedan Mian, Resident of Village - Ramnagar Bankat, P.S.- Majhauria, Distt - West Champaran.
5. Hamid Mian, aged about 30 years, Male, Son of Khedan Mian, Resident of Village - Ramnagar Bankat, P.S.- Majhauria, Distt - West Champaran.
6. Mohammad Mian, aged about 45 years, Male, Son of Late Adalat Mian, Resident of Village - Ramnagar Bankat, P.S.- Majhauria, Distt - West Champaran.
7. Ahmed Mian, aged about 40 years, Male, Son of Late Manshi Mian, Resident of Village - Ramnagar Bankat, P.S.- Majhauria, Distt - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-10-2019 Heard both sides.

The petitioners apprehend their arrest in Majhauria
P.S. Case No.203 of 2019, registered under Sections 147, 148,
149, 341, 323, 324, 307, 380 and 384 of the Indian Penal Code.

Amjad Ali, the informant alleged that he owned Plot
No.1506, Khata No.111, Area 6 Kathas 14 Dhurs but title suit is



going on over the land in the court of Munsif with regard to 3 Kathas of land of the aforesaid plot. The case is pending for evidence of other sides. The informant had gone to his field but Sk. Noorain, petitioner no.1, Sk. Jabulain, petitioner no.2, Safar Mian, Banhu Mian, petitioner no.3, Hanif Mian, petitioner no.4, Hamid Mian, petitioner no.5 all having armed with different weapons were cutting earth from the land. When the informant objected, Safar Mian assaulted him with speak which hit on his thigh. Safar Mian also demanded extortion. Sk. Rahman and Sk. Imran came to save but Banhu Mian, petitioner no.3 assaulted Imran on his head. Sk. Noorain, petitioner no.1 is said to have assaulted Rahman with farsa on his hand causing bleeding injury. Sk. Nurul Islam, Sk. Firoz and Sk. Nazir came to save the informant and others but Mohammad Mian, petitioner no.6, Hazrat Mian, Ahmed Mian, petitioner no.7 and Sk. Salamat came with different weapons. Safar Mian assaulted Md. Firoz with spear. Hanif Mian, petitioner no.4 assaulted Nurul with iron rod on his head. Sk. Jabulain, petitioner no.2 assaulted Nazir with Dabiya on his head which blow hit on the right hand and caused bleeding injury. All the accused persons entered into the house and took away different articles.

Learned counsel for the petitioners submits that there



is a counter version being Majhaulia P.S. Case No.221 of 2019. The occurrence took place due to land dispute. A title suit being Title Suit No.17 of 2014 is pending between the two sides. The injuries found on the persons of the injured, which are annexed as Annexure-3, are simple in nature.

Taking into consideration the facts that there appears that both sides engaged in mutual assault on each other on account of land dispute and for that there is case and counter case and the injuries sustained by the prosecution side are simple in nature, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with Majhaulia P.S. Case No.203 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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