

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51044 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- DAGARUA District- Purnia

1. MD. MOEEN, aged about 30 years, Male, Son of Md. Ishlam, Resident of Village-Mahalbari Malo Bitra, P.S-Dagarua, District-Purnea.
2. Md. Faizan @ Faizan, aged about 35 years, Male, Son of Molvi Afzal @ Md. Afzal @ Md. Afzal Hussain, Resident of Village-Mahalbari Malo Bitra, P.S-Dagarua, District-Purnea.
3. Md. Ishlam, aged about 65 years, Male, Son of Late Ali Mohammad Resident of Village-Mahalbari Malo Bitra, P.S-Dagarua, District-Purnea.
4. Md. Sabbir @ Sabbir, aged about 36 years, Male, Son of Md. Salamat Resident of Village-Mahalbari Malo Bitra, P.S-Dagarua, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-10-2019 Heard both sides.

The petitioners apprehend their arrest in Dagarua P.S.
Case No.64 of 2019, registered under Sections 341, 323, 324, 325, 307, 379, 504, 506 and 34 of the Indian Penal Code.

The informant Md. Salimuddin altogether named nine persons including these four petitioners and alleged that on account of land dispute, all the accused persons surrounded him and began to assault. Md. Faizan, petitioner no.2 is alleged to have assaulted the informant in his mouth with bamboo causing uprootment of 3-4 teeth. Molvi Afzal assaulted him with iron



rod causing fracture injury on his right hand. Md. Salamat and Md. Moeen, petitioner no.1 are alleged to have taken out Rs.28,000/- from the pocket of the informant. Md. Imran assaulted the informant with bricks. Md. Ishlam, petitioner no.3 was pressed the neck of the informant. Md. Sabbir, petitioner no.4 assaulted the informant with back side of Dabiya. It is further alleged that when Ruhi Tamanna, the daughter of the informant came, Marjina assaulted her with bamboo causing bleeding injury to his daughter.

Learned counsel for the petitioners submits that on account of land dispute, the occurrence took place. There is a counter version being Dagarua P.S. Case No.65 of 2019. There is no allegation of assault against Md. Moeen. Md. Faizan, petitioner no.2 is alleged to have assaulted the informant in mouth but the injury report shows that no tooth was uprooted and the injury found on the mouth is opined to be simple in nature. All the injuries alleged to have been caused by Md. Ishlam and Md. Sabbir, petitioners no.3 and 4 are simple in nature. The doctor opined by secondary opinion that the injury found on right Alna of the informant was found fractured and opined the injury to be grievous in nature.

Taking into consideration that there appears that there



is case and counter case and both sides engaged in mutual assault on each other on account of land dispute but the injuries on account of assault made by Md. Faizan, petitioner no.2, Md. Ishlam, petitioner no.3 and Md. Sabbir, petitioner no.4 are simple in nature and there is no allegation of assault against Md. Moeen, petitioner no.1, 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 S.D.J.M., Purnea in connection with Dagarua P.S. Case No.64 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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