

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50697 of 2019

Arising Out of PS. Case No.-492 Year-2017 Thana- FORBESGANJ District- Araria

1. MD. ARIF Son of Late Daud Hajam Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
2. Md. Sabir Son of Late Daud Hajam Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
3. Kasim Son of Late Saidul Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
4. Khairun Hazan @ Khairun Hazam Son of Late Saidul Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
5. Manzoor Hazam Son of Md. Hasan Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
6. Tauhid Son of Md. Hasan Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
7. Kari Wife of Aslam Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
8. Hazra Wife of Khairul Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
9. Bijli Son of Samsul Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.
10. Munni Wife of Mansoor Resident of Village-Haldia ward no.12, Police Station-Simraha, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-08-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Forbesganj (Simraha) Police Station Case No. 492 of
2017, disclosing offences under Sections 341/323/324/307/
379/504/34 of the Indian Penal Code.



The allegation against the petitioners, as per the First Information Report, is that the petitioners armed with lathi, dabia, and other weapons, assaulted the informant and his son, due to which the informant and his son received injuries in their head, arm and chest.

Learned Counsel for the petitioners submits that both the parties are neighbours and there is land dispute with regard to planting of turmeric crop between the parties. He further submits that the injury report of the informant has been annexed as Annexure-3 to this application and from perusal of the same, it would be evident that the injury caused to the informant is simple in nature, caused by hard and blunt substance; whereas, the allegation in the First Information Report is of assault by means of sharp-cutting weapon. He further submits that altogether 17 persons have been made accused in this case and the allegation against the petitioners is general and omnibus. He further submits that there is no injury report of the son of the informant, which would be evident from perusal of the impugned order, wherein the learned Sessions Judge has mentioned only paragraph 14 of the case diary, which contains the injury of the informant and there is no mentioning of the injury caused to the son of the informant in the impugned order.



After having heard learned Counsel for the parties and taking into consideration the fact that the allegation made against the petitioners are general and omnibus and the injury caused to the informant is simple in nature caused by hard and blunt substance, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Forbesganj (Simraha) Police Station Case No. 492 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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