

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54347 of 2019

Arising Out of PS. Case No.-140 Year-2017 Thana- KALYANPUR District- East Champaran

1. NEZAM ANSARI Son of Late Hadish Miya Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
2. Jawed Alam @ Md. Javed Alam Son of Jamil Ansari Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
3. Mazaruddin Ansari Son of Late Aziz Mian Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
4. Halim Mian @ Abdul Halim Mian Son of Kurban Ansari Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
5. Khairun Nesha @ Sairun Nesha Wife of Nezam Ansari Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
6. Hasina Khatoon Wife of Nazaruddin Ansari Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
7. Yunus Ansari Son of Jalil Mian Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
8. Sabra Khatoon Wife of Mazid Ansari Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.
9. Saira Khatoon @ Sakbara Khatoon Wife of Hamid Ansari Resident of Village-Alaula, Police Station-Kalyanpur, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Shyam Bihari Singh

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 29-08-2019 At the very outset, learned counsel for the petitioners points out that the petitioner no.2, namely, Jawed Alam alias Md. Javed Alam, has already been arrested by the police in this case and, as such, this application in respect of the petitioner no.2, above named, has become infructuous and seeks



permission to withdraw this application in respect of the petitioner no.2, above named.

Permission is accorded.

This application in respect of the petitioner no.2, above named, is dismissed is as withdrawn.

Now, only the prayer of the petitioner nos.1, 3, 4, 5, 6, 7, 8 and 9 to grant them the privilege of pre-arrest bail is being considered.

Heard.

The petitioner nos.1, 3, 4, 5, 6, 7, 8 and 9 apprehend their arrest in connection with Trial No.1774 of 2017, arising out of Kalyanpur P.S. Case No.140 of 2017/G.R. Case No.4868 of 2017, registered under Sections 147, 148, 149, 341, 323, 324, 325, 354, 307, 308, 379 and 504 of the Indian Penal Code.

The accusation is that in the morning of 04.08.2017, the informant Md. Manauwar was going to attend the call of nature, then he saw that a hut was constructed illegally on his land. The informant informed about the same to his Pattidars and again reached on the spot with them. Thereafter, all of sudden, 18 persons, named in the F.I.R., including the aforesaid petitioners and 10 unknown variously armed with weapons reached there and started to cause assault to the informant and



others, due to which all became unconscious and fell on the ground. At that time, all the aforesaid persons snatched the ornaments of the ladies of the family of the informant and misbehaved with them.

Learned counsel for the aforesaid petitioners submits that due to land dispute, the occurrence of “Maar-Peet” took place in between the parties in which the side of the aforesaid petitioners also sustained injury regarding which on the basis of the written report of the co-accused Nashim Akhtar, Kalyanpur P.S. Case No.141 of 2017 was also instituted against the informant of the present case and others. Moreover, the injuries, as found on the person of the informant and others, are simple in nature. The aforesaid petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner nos.1, 3, 4, 5, 6, 7, 8 and 9, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, in connection with Trial No.1774 of 2017, arising out of Kalyanpur P.S. Case No.140 of 2017/G.R. Case No.4868 of 2017, subject to the conditions laid



down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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