

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56089 of 2019

Arising Out of PS. Case No.-189 Year-2019 Thana- JOKIHAT District- Araria

1. SULEMAN S/o Late Sabdul Resident of Village- Sisouna, P.S.- Jokihat, District- Araria.
2. Ekram @ Md. Ekram S/o Late Sabdul Resident of Village- Sisouna, P.S.- Jokihat, District- Araria.
3. Najim S/o Suleman Resident of Village- Sisouna, P.S.- Jokihat, District- Araria.
4. Kasim S/o Suleman Resident of Village- Sisouna, P.S.- Jokihat, District- Araria.
5. Mahmood @ Mahmood Alam S/o Ekram @ Md. Ekram Resident of Village- Sisouna, P.S.- Jokihat, District- Araria.
6. Tanjila W/o Ekram @ Md. Ekram Resident of Village- Sisouna, P.S.- Jokihat, District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha

For the Opposite Party/s : Mr.Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-09-2019 Heard both sides.

Petitioners apprehend their arrest in Jokihat P.S. Case No.189 of 2019 registered under Sections 147, 148, 149, 341, 342, 323, 307, 354B, 427, 448 and 504 of the Indian Penal Code.

The informant named eight accused persons including the petitioners and alleged that they having armed with different weapons came and began to demolish his wall in order to take



possession over the land. The accused persons abused and assaulted the informant. The informant further alleged that Ekram and Najim (petitioner nos.2 and 3) caught him and Suleman (petitioner no.1) assaulted him with hammer causing injury on his head and eye. His sons and wife came to save, the accused persons assaulted them.

Learned counsel for the petitioners submits that the informant is own brother of petitioner nos.1 and 2. There is a bona fide land dispute between the two sides and for that there is a counter case being Jokihat P.S. Case No.190 of 2019. Petitioner no.1 is alleged to have assaulted the informant with hammer but from perusal of injury report, it would appear that the informant got one incised wound and another injury is lacerated one. The injured got simple injuries but it appears that of course there is a land dispute between two sides and petitioner nos.1 and 2 are brothers of the informant but there is specific allegation against Suleman (petitioner no.1) that he assaulted his own brother with hammer on his head and nasal bone was found fractured.

Having considered the facts aforesaid, I am not inclined to enlarge petitioner no.1 (Suleman) on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner



no.1, namely, Suleman is rejected.

So far the case of petitioner nos.2 to 6 is concerned, there is omnibus and general allegation of assault against them and they assaulted the sons and the wife of the informant but the they got simple injuries.

Having considered the facts and the nature of allegations made against them, petitioner nos.2 to 6, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 C.J.M., Araria in connection with Jokihat P.S. Case No.189 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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