

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.62382 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- AMDABAD District- Katihar

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1. AVEDUR RAHMAN @ MD. ABEDUR RAHMAN @ MD. OBEDUR RAHMAN, aged about 34 years, Male, Son of Late Vahab, Resident of Village-Maltipur, P.S.-Amdabad, District-Katihar
 2. Md. Abdul Gaffur @ Abdul Gaffur, aged about 40 years, Male, Son of Late Ibrahim, Resident of Village-Maltipur, P.S.-Amdabad, District-Katihar
 3. Md. Izharul Haque @ Isharul Haque @ Dulal @ Izharul Haque, aged about 40 years, Male, Son of Md. Yunus, Resident of Village-Maltipur, P.S.-Amdabad, District-Katihar ... Petitioners

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioners : Mr. Binod Kumar, Adv.

For the Opposite Party : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 01-10-2019

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Amdabad P.S. Case No. 37 of 2019 for the offences alleged under Sections 147, 148, 149, 323, 307 and 504 of the Indian Penal Code.

The accusation is that on 19.02.2019 Md. Badrudoza and Md. Wazir Alam, both sons of Md. Yunus, informant, had gone in the field to get it plough through tractor. In the evening 17 persons, named in the first information report, including the petitioners, variously armed with weapon came there and started to cause assault both the sons of the informant. When informant rushed there, then, Md. Izharul Haque (petitioner no. 3), Md. Obedur Rahman (petitioner no. 1) and Md. Abdul Gaffur (petitioner no. 2) caused injury to him through lathi and stick. Thereafter, they came at the door of the informant, where Mazharul Haque and Ainul Haque



caused injury to Naimul Haque, another son of the informant.

The submission of the learned counsel for the petitioners is that due to land dispute occurrence of marpeet took place in which petitioners' side also sustained injury regarding which Amdabad P.S. Case No. 36 of 2019 was also instituted on 19.02.2019 on the basis of the fardbeyan of co-accused, Abu Talib, against the informant of the present case and other family members. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Amdabad P.S. Case No. 37 of 2019 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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