

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62889 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- MANIHARI District- Katihar

1. Md. Faiyaz aged about 48 years (Gender-M), Son of Late Md. Khalil @ Late Khalil, Resident of Village - Mahuwar, P.S.- Manihari, District - Katihar.
2. Md. Gaffar @ Abdul Gaffar aged about 46 years (Gender-M), Son of Late Md. Khalil @ Late Khalil, Resident of Village - Mahuwar, P.S.- Manihari, District - Katihar.
3. Md. Jabir @ Jabir Hussain aged about 40 years (Gender-M), Son of Late Md. Khalil @ Late Khalil, Resident of Village - Mahuwar, P.S.- Manihari, District - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP.
For the Informant	:	Mr. Sanjeev Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-10-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Manihari P.S. Case No. 252 of 2019 registered under sections 147, 148, 323, 324, 307, 354, 379, 504, 506 of the IPC.

The allegation against the petitioners is that the petitioner no.1 assaulted the informant by means of rod on his head, petitioner no. 2 assaulted wife of the informant by means of rod and petitioner no. 3 assaulted the son of the informant by means of sickle.



Learned counsel appearing for the petitioners submits that both the parties are co-sharers and there is a land dispute between them and earlier also a case was instituted between the parties pertaining to the disputed land. Learned counsel referring to Annexure-3 submits that injury caused to the victims have been found to be simple in nature by hard and blunt substance whereas the allegation upon the petitioner no. 3 is of assault by means of sharp cutting weapons.

On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits the allegation against the petitioners are specific and they have assaulted by means of iron rod, hasiya etc and they do not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are co-sharers and there appears to be land dispute between them and the injury caused to the victims have been found to be simple in nature, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on



anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Manihari P.S. Case No. 252 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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