

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66084 of 2019

Arising Out of PS. Case No.-226 Year-2019 Thana- PALASI District- Araria

1. SURESH YADAV Son of Late Nasib Lal Yadav Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
2. Perwez Alam Son of Sah Hakim Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
3. Md. Ansar Son of Sah Jalal Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
4. Md. Rabbani Son of Sah Jalal Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
5. Sah Jalal Son of Late Fatehmohmmmd Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
6. Sah Suddin Son of Late Sah Hafiz Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
7. Pradip Yadav Son of Bishan Lal Yadav Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
8. Amod Yadav Son of Bishan Lal Yadav Resident of Village- Tarbi, P.S.- Palasi, District- Araria.
9. Umesh Yadav Son of Late Nasib Lal Yadav Resident of Village- Tarbi, P.S.- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-10-2019 Heard both sides.

Petitioners apprehend their arrest in Palasi P.S. Case
No.226 of 2019 registered under Sections 341, 323, 307,
354(B), 379, 504 and 34 of the Indian Penal Code.

The informant named altogether 18 persons including



nine petitioners and alleged that they having armed with different weapons came and began to assault the informant and others. Md. Perwez Alam (petitioner no.2) assaulted the informant with farsa on her head and other parts of her body. When Margoob Alam (son of the informant) came to save, Md. Ansar (petitioner no.3) assaulted him with sword on his head and hand. When the husband of the informant came to save, Pradeep Yadav assaulted him with farsa on his head. When Sahbaj Alam (son of informant) came to save, Suresh Yadav (petitioner no.1) assaulted him with sword on his hand and other parts of his body. The brother of the informant was also assaulted by Sah Suddin with lathi.

Learned counsel for the petitioners submits that there is a land dispute between two sides. Pradeep Yadav (petitioner no.7) is the owner of the land and other petitioners are bataidars. The informant and his family members came and tried to dispossess the petitioners. It is further submitted that of course some persons are alleged to have become injured on account of assault made by the petitioners but only one person Sahbaj Alam (son of informant) got grievous injury on account of assault made by Suresh Yadav (petitioner no.1) on his hand but the hand is not a vital part of the body. From the side of the



petitioners also, two persons became injured. The informant, her husband, one son and brother got simple injuries.

It appears that the occurrence took place due to land dispute and there is case and counter case. Both sides appear to have engaged in mutual assault on each other. From the injury report, it appears that the informant, her husband, one son and brother got simple injuries on account of assault made by the petitioners but on account of assault made by Suresh Yadav (petitioner no.1), Sahbaj Alam (one of the sons of informant) got grievous injury on his hand.

Having considered the facts aforesaid, I am not inclined to enlarge petitioner no.1, namely, Suresh Yadav on anticipatory bail. Accordingly, the same is rejected.

So far the case of petitioner nos.2 to 9 is concerned, there is no allegation of assault against petitioner no.4, 5, 8 and 9 and petitioner no.2 is alleged to have assaulted the informant but the informant got simple injury on her head and other parts of her body. Md. Ansar is alleged to have assaulted Margoob Alam (son of informant), who also got simple injury.

Having considered the facts aforesaid, petitioner nos.2 to 9, 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 A.C.J.M. 1st, Araria in connection with Palasi P.S. Case No.226 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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