

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65302 of 2019

Arising Out of PS. Case No.-212 Year-2017 Thana- DAGARUA District- Purnia

1. Md Rizwan aged about 19 years Male, Son of SK Rajid, Resident of Village- Murajpur, P.S.- Dagarua, District- Purnea.
2. Samad @ Sahmat @ Sheikh Samid aged about 20 years, Son of SK Yunus, Resident of Village- Murajpur, P.S.- Dagarua, District- Purnea.
3. Md. Babloo @ Babloo aged about 18 years, male, Son of Md. Rajid, Resident of Village- Murajpur, P.S.- Dagarua, District- Purnea.
4. Md Yunus @ Yunus @ Sheikh Yunus aged about 64 years, male, Son of Late Tafezul, Resident of Village- Murajpur, P.S.- Dagarua, District- Purnea.
5. Wadood @ Sheikh Wadood aged about 27 years, male, Son of SK Yunus Resident of Village- Murajpur, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-11-2019 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application of anticipatory bail against petitioner no. 5 i.e. Wadood @ Sheikh Wadood.

Permission is granted.

This application is dismissed as withdrawn against petitioner no. 5 i.e. Wadood @ Sheikh Wadood.

In so far as petitioners no. 1 to 4 are concerned, petitioners no. 1 to 4 apprehend their arrest in connection with



Dagarua P.S. Case No.212 of 2017 registered under sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code.

The allegation against the petitioner no.1 is that he assaulted Md. Firoj causing injury near his nose. There is no specific allegation of assault against the petitioners no. 2 and 3. The allegation of assault against the petitioner no. 4 is of pressing the neck of the brother of the informant.

Learned counsel appearing for the petitioners submits that both the parties are co-sharers and there is dispute relating to partition between them. Learned counsel further submits that there is case and counter case between the parties inasmuch as Dagarua P.S. Case No. 211 of 2017 was lodged by the side of the petitioners against the informant and others. Learned counsel further submits that both the sides have received injury. Learned counsel further submits that specific allegation of assault is only against the petitioner no. 5 of causing grievous injury to Md. Meharuddin. Learned counsel further submits in so far as injury caused by petitioner no.1 is concerned, the doctor has reserved his views and the injury has been found on the nose of Md. Firoj, which is not on the vital part of the body.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are co-sharers and there is dispute of partition between them and



there is case and counter case between the parties, I am inclined to grant anticipatory bail to petitioners no. 1, 2, 3 and 4.

Accordingly, the petitioners no.1, 2, 3 and 4, 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 the Chief Judicial Magistrate, Purnea, in connection with Dagarua P.S. Case No. 212 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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