

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71147 of 2019

Arising Out of PS. Case No.-456 Year-2018 Thana- RANIGANJ District- Araria

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1. MD. JAHID @ MD. ZAHID , S/o Md. Mustaque
 2. Md. Sajit @ Sajid S/o Md. Mustaque
 3. Istiyaque @ Md. Istiyaque S/o Md. Isha
 4. Md. Intaj S/o Md. Tahir
- All are residents of Village- Jagata Kharsahi, Tola- Palar, Ward No. 10, P.S.-
Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 379, 307, 506 and 504 of the Indian Penal Code.

Informant has alleged that on 22.12.2018 at 12 noon on the purchased land of his uncle and brother, FIR named accused along with 15-16 unknown persons armed with lathi, danda and other weapons came and started abusing and assaulting them. There is specific allegation against Md. Mustaq



of inflicting *farsa* blow on the head of his father and against Md. Isha is of assaulting his uncle by sword on his head and against Md. Sajid is of assaulting his brother Jahagir by means of *lathi* on his head as a result of which, all became injured and blood started oozing out of their heads.

It has been submitted on behalf of the learned counsel for the petitioners that allegation against petitioner no.2 is of assaulting Jhagir by lathi on his head but the injury was simple in nature and on remaining accused allegations are general and omnibus in nature and there is no allegation of any specific overt act against them. There is land dispute between the parties. There is case and counter case for the same occurrence. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below in connection with Raniganj P.S. Case No.456/2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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