

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78259 of 2019

Arising Out of PS. Case No.-274 Year-2018 Thana- SISWAN District- Siwan

1. Saiyad Itrat Imam @ Kabban @ Itrat Imam, (Male), aged about 47 years, S/o Akhatar Imam, R/o Village- Bhikhpur, P.S.- Siswan, District- Siwan.
2. Saiyad Laddan Imam @ Syed Loddan Imam, (Male), aged about 44 years, S/o Akhatar Imam, R/o Village- Bhikhpur, P.S.- Siswan, District- Siwan.
3. Saiyad Masoom Imam @ Syed Masoom Imam (Male), aged 22 years, S/o Saiyad Itrah Imam @ Kabban @ Itrat Imam, R/o Village- Bhikhpur, P.S.- Siswan, District- Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Gajendra Kumar Singh, Advocate.
For the Opposite Party : Mr.Mithlesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 341, 323,324, 379
and 307 of the IPC.

The prosecution story, in brief, is that on 26.12.2018
at about 12.25 P.M., the informant was standing over the land of
his grand-mother Bibi Nargis Khatoon and at the same time, his
villagers Saiyad Sadique Abbas @ Raju, Saiyad Nazrey Imam,
Saiyad Zauwar Hussain, Saiyad Mohammad, Saiyad Itrat Imam
@ Kabban (petitioner), Saiyad Laddan Imam (petitioner),



Saiyad Masoom Imam (petitioner), Saiyad Sabloo, Saiyad Rozy, Saiyad Samar variously armed with Lathi, Bhala, Caku, Daab, Talwar, country made pistol came there and surrounded him. It is further alleged that Saiyad Sadique Abbas, @ Raju hurled Chaku blow from behind and he sustained injury, in the meantime, Nazre Imam started pressing his neck. It is further alleged that Itrat Imam @ Kabban snatched away his golden chain from his neck and he also assaulted him. It is further alleged that Masoom Imam (petitioner) gave Lathi blow, as the result of which, he sustained injury on his head and blood started oozing out, when his uncle Manjar Imam and Afsar Imam came in rescue, all the accused persons started assaulting them, when the villagers rushed there then all the accused persons fled away and he was brought to the Siswan Hospital, from where, he was referred to the Sadar Hospital, Siwan.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. A title suit is pending between the parties. There is admitted land dispute between the parties. Nature of injury is said to be simple. Injury report is Annexure-2



to the present application. No offence under Section 307 of the IPC is made out. At best, it is case for an offence under Section 324 of the IPC.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- IV, Siwan, in connection with Siswan P.S. Case No. 274 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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