

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79537 of 2018

Arising Out of PS. Case No.-60 Year-2018 Thana- PALASI District- Araria

-
1. Md. Tauheed, S/o Md. Ainul Haque.
 2. Md. Shahid, S/o Md. Ainul Haque.
 3. Md. Zahid, S/o Md. Ainul Haque.
 4. Bibi Arbun, W/o Md. Ainul Haque.
 5. Shagutta Parween, D/o Md. Ainul Haque.
 6. Bibi Sabekun, D/o Md. Ainul Haque.
 7. Bibi Tabassum, W/o Md. Shahid, All R/vill-Kumiya, P.S-Palasi, Distt.-Araria.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Gopal Kumar Jha, Advocate.
For the Opposite Party : Mr. Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-02-2019 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 341, 323, 307, 379, 504 and 354/34 of the IPC.

The prosecution story, in brief, is that the informant is coming in possession over the certain land mentioned in the F.I.R. as Khata No. 19, Khesra No. 1748, Area 10 decimal and Khesra No. 1747 Area 17 decimal is purchased land and since 50 years after making house on same part and Bamboo clumps is also situated over some part of the land and on 04.03.2018 at about 11.30 A.M. the petitioners Md. Tauheed and Md. Shahid



and the co-accused came and started cutting the bamboos of the informant and on protest they did not obey and started giving threat to kill the informant. After that the rest petitioners and including the other co-accused persons named in the F.I.R. also came there and started abusing and when the son of informant Md. Ashad raised objection the co-accused Md. Ainul with intent to kill gave Dabia blow upon his head and when the wife of informant went to save him, he also assaulted her. The petitioner Md. Tauheed and Md. Shahid assaulted to the daughter of informant and took out her ornaments.

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. The main allegation is against co-accused Md. Ainul Haque. General and omnibus allegation has been made against the petitioners. No specific overt act has been alleged against the petitioners.

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 C.J.M., Araria, in connection with Palasi P.S. Case No. 60 of 2018 (G.R. No. 662 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

