

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8718 of 2020

Arising Out of PS. Case No.-167 Year-2019 Thana- PARIHAR District- Sitamarhi

1. MD. JILANI S/o Md. Rizwan R/o village- Sutihara, P.S.- Parihar, District- Sitamarhi.
2. Md. Mukhtar S/o Late Shafique R/o village- Sutihara, P.S.- Parihar, District- Sitamarhi.
3. Md. Raju @ Raju S/o Md. Ganni @ Usman Ganni R/o village- Sutihara, P.S.- Parihar, District- Sitamarhi.
4. Abdul Gani @ Md. Gani S/o Nurul Haq @ Md. Noorul Haq R/o village- Sutihara, P.S.- Parihar, District- Sitamarhi.
5. Md. Jabir @ Jabir S/o Late Iliyas R/o village- Sutihara, P.S.- Parihar, District- Sitamarhi.
6. Md. Asraf @ Md. Ashraf S/o Md. Shamshul R/o village- Sutihara, P.S.- Parihar, District- Sitamarhi.
7. Md. Asgar S/o Md. Shamshul R/o village- Sutihara, P.S.- Parihar, District- Sitamarhi.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ashhar Mustafa, Advocate.
For the State	:	Mr. Narsingh Tanti, A.P.P.
For the Informant	:	Mr. Ajay Kumar Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 02-06-2020 Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel for the informant through Video Conferencing.

The petitioners seek bail in connection with Parihar P.S. Case No.167 of 2019 registered under Sections 341, 323, 324, 504, 506, 307, 354, 302 and 109/34 of the Indian Penal Code.



The accusation is that in the late evening of 08.08.2019, Md. Akram alias Phool Babu, the brother informant Md. Arsad Barkati alias Guddu Babu, and Md. Arman Babu were returning from Sitamarhi to the village after marketing. In the way, 18 persons, named in the F.I.R., including the petitioners, due to land dispute, attacked on them through lathi, danda, Garasa, knife, sword and rod. At that time, on the order of Md. Sabir and Jabir (petitioner no.5), Md. Irfan gave the Garasa blow and Md. Nadim gave the rod blow at the head of Akram, causing blood oozing injury. When Akram fell down on the ground, then Sabir, Jabir (petitioner no.5), Sakil, Tanveer and Asgar (petitioner no.7) caused assault to him through lathi, danda, rod and Garasa. Thereafter, on the order of Shamshul, Md. Mukhtar (petitioner no.2) caught hold the right hand of Arman, whereas Abdul Gani (petitioner no.4) caught hold his left hand. Thereafter, Jilani (petitioner no.1) gave the knife blow at the neck of Arman, whereas Raju (petitioner no.3) caused injury at his head through rod and Asraf (petitioner no.6) attacked at him through Garasa.

Submission is that the petitioners are not the assailants of the deceased and due to land dispute, they have falsely been implicated in this case. The petitioners have no criminal



antecedents and are in custody since 16.01.2020.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Parihar P.S. Case No.167 of 2019.

(Rajendra Kumar Mishra, J)

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