

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12160 of 2020

Arising Out of PS. Case No.-262 Year-2019 Thana- KADWA District- Katihar

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1. Md. Jamil Son of Zainuddin Resident of Village - Jaja Malikpur, P.S.- Kadwa, Distt - Katihar.
 2. Md. Jamal @ Jamaluddin Son of Zainuddin Resident of Village - Jaja Malikpur, P.S.- Kadwa, Distt - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad, Adv.

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-07-2020 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Kadwa P.S. Case No. 262 of 2019, registered under sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

As per allegation in the F.I.R., the 18 named accused persons including the two petitioners herein and Md. Imran are stated to have come variously armed to the field of the informant where he and his brothers were working. It is stated that Md. Jamal gave a sword blow on the head of Md. Perwaiz



while Md. Jamil gave an axe blow on Md. Arshad.

It is submitted by learned counsel for the petitioners that there is a land dispute between the parties with Title Suit No.68 of 2019 pending between them in the Court of learned Sub Judge, Barsoi. It is further submitted that from perusal of the injury report brought on record as Annexure-2 series as also the final injury report of Perwaiz Alam also brought on record in the supplementary affidavit, it would transpire that the injury which may be attributable to the petitioners as per F.I.R., have been found to be simple. The petitioners have no criminal antecedent. It is finally submitted that co-accused Md. Imran has been enlarged on bail vide order dated 5.3.2020 passed in Cr. Misc. no.13322 of 2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Kadwa P.S. Case No. 262 of 2019 they will be enlarged on bail on furnishing bail bond of Rs 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar subject to the conditions as laid down in section 438 (2) of the Criminal Procedure Code.

(Partha Sarthy, J)

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