

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.20126 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- SONO District- Jamui

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1. MD. IRSHAD ALI Son of Md. Israil Ali
 2. Md. Israfil Ali @ Irsad Ali Son of Md. Israil Ali
 3. Kaishar Khatoon Wife of Md. Israil Ali
- All are resident of Babudih, P.S-Sono, District-Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 17-08-2020 The Office has pointed out that the name of Police Station Case differs from first paragraph of the impugned order.

Heard learned counsel appearing for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Learned counsel appearing for petitioners submits that, as a matter of fact, the present petition under Section 438 of the Code of Criminal Procedure has been filed in connection with Sono P.S. Case No. 01 of 2020. He, further, submits that due to typing error, in first paragraph of



impugned order dated 17.2.2020, in place of “Sono P.S. Case No. 01 of 2020”, it has wrongly been typed as “Jhajha P.S. Case No. 01 of 2020” though in title of the impugned order, it has rightly been typed case number, i.e., “Sono P.S. Case No. 01 of 2020”.

According to the submission of the learned counsel of the petitioners, the petitioners apprehend their arrest in connection with Sono P.S. Case No. 01/2020 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and 3 and 4 of the Explosive Substance Act and 27 of the Arms Act.

Informant claims in his written report that FIR named Israil Ali wrongly purchased his land and made attempt to take possession of the aforesaid land and when informant protested, the FIR named accused Israil Ali went to his home and threw three bombs from his roof, as a result of which, the informant sustained injury on the dorsal of his leg. So far as the petitioners are concerned, the informant claims that petitioner No. 2 fired on informant but, fortunately, the fire did not hit the informant. Similarly, petitioner No. 1 and petitioner No. 3 pelted stones on the informant.

Learned counsel appearing for petitioners submits



that the first information report itself goes to show that the alleged occurrence took place on account of land dispute. He, further, submits that only two injuries were found on the person of the informant and both the aforesaid injuries are said to have been caused by hard and blunt substance. He, further, points out that one hairline fracture was found on the dorsal of leg of the informant and except the aforesaid injury, the other injury was simple in nature.

On the other hand, learned Additional Public Prosecutor opposed the prayer.

Considering this aspect of the matter that no firearm or explosive substance injury was found on the person of the informant and the alleged occurrence is said to have taken place on account of land dispute and also keeping in mind that allegation of throwing bombs is against FIR named accused Israil Ali, it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Smt. Bharti Kumari, J.M. 1st Class, Jamui/concerned court in Sono P.S. Case No. 01/2020



subject to conditions as laid down under Section 438(2) of
the Cr.P.C.

(Hemant Kumar Srivastava, J)

Spd/-

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