

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77357 of 2019**

Arising Out of PS. Case No.-108 Year-2017 Thana- ISUAPUR District- Saran

Wazir Ali @ Bajir Ali, Son of Rafik Miyan, Resident of Village - Nipaniya,
P.O.- Salempur, P.S.- Isuapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Choubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 16-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 120B, 323, 307, 341, 379, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per Complaint Case No. 888 of 2017 filed by Saukat Ali on 23.03.2017 which came to be registered as a police case after complaint being transferred under Section 156(3) Cr.P.C. being Isuapur P.S. Case No. 108 of 2017, is to the effect that the accused persons were cutting toddy tree of the informant, the informant's wife informed the informant, who came from Lucknow to his house, and called a Panchayati but being aggrieved to the Panchayati, the accused



persons came and petitioner resorted to fire on the informant but it did not cause any injury to the informant. Thereafter, the accused persons assaulted the informant with lathi. It is alleged that co-accused Akbar Ali assaulted with lathi on the head of the informant but it caused fracture injury on the finger and when the wife of the informant, Saibun Khatoon and daughter Gunaj Bano came to rescue then all the accused persons assaulted them with lathi and danda, co-accused Jauhar Ali snatched gold chain worth Rs.6,000/- and co-accused Aftab Ali snatched a mobile phone and co-accused Nabi Sai took away Rs.5,000/- from the pocket of the informant and accused persons also took away jewellery worth Rs.3,50,000/-.

It is submitted by learned counsel for the petitioner that the background of land dispute, the accusation has been levelled and for the alleged occurrence of 19.03.2017, the complaint was filed on 23.03.2017 which came to be registered as a police case on 25.05.2017. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation of firing has been levelled against the petitioner.

Considering the fact that no injury has been received



by the informant, the accusation has been levelled in the background of land dispute and there is delay of four days in filing the complaint, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Saran at Chapran in connection with Isuapur P.S. Case No. 108 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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