

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77462 of 2019

Arising Out of PS. Case No.-230 Year-2018 Thana- BARSOI District- Katihar

1. MD. MAQUSOOD @ MD. MAKSUD Son of Late Md. Sarfuddin Resident of Village-Pomra Tajpur, P.S-Barsoi (O.P. Sudhani), District-Katihar.
2. Md. Waris Son of Late Md. Sarfuddin Resident of Village-Pomra Tajpur, P.S-Barsoi (O.P. Sudhani), District-Katihar.
3. Md. Najamuddin @ Ujamuddin Son of Late Md. Sarfuddin Resident of Village-Pomra Tajpur, P.S-Barsoi (O.P. Sudhani), District-Katihar.
4. Md. Sajid @ Sajid Alam @ Md. Sajid Alam Son of Md. Maqusood Resident of Village-Pomra Tajpur, P.S-Barsoi (O.P. Sudhani), District-Katihar.
5. Md. Mujahir @ Mujahir Alam Son of Md. Maqusood Resident of Village-Pomra Tajpur, P.S-Barsoi (O.P. Sudhani), District-Katihar.
6. Md. Majid Son of Md. Maqusood Resident of Village-Pomra Tajpur, P.S-Barsoi (O.P. Sudhani), District-Katihar.
7. Md. Hasnnat @ Md. Hasnat @ Hasnat Alam Son of Md. Faiyaz Resident of Village-Pomra Barsoi, P.S-Barsoi (O.P. Sudhani), District-Katihar.
8. Md. Manowar @ Manowar Son of Md. Qurban Ali Resident of Village-Pomra Barsoi, P.S-Barsoi (O.P. Sudhani), District-Katihar.
9. Md. Wadood @ Md. Budood Son of Hasim Amin Resident of Village-Pomra Barsoi, P.S-Barsoi (O.P. Sudhani), District-Katihar.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Sharda Nand Mishra, Advocate. Mr. Harish Chandra Patel, Advocate. Mr. Dhananjay Kumar Gupta, Advocate.
For the State	:	Dr. Mrityunjaya Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-01-2020 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Barsoi (O.P. Sudhani) P.S. Case No.230 of 2018 registered under



Sections 147, 148, 149, 341, 323, 324, 307, 379 and 506 of the Indian Penal Code.

The accusation is that on 28.08.2018 at about 11.30 A.M., Md. Maqusood (petitioner no.1) was engaged in measurement of the land. At that time, the informant Md. Anсад Alam asked him to get the land measured properly. Thereafter, 14 persons, named in the F.I.R., including the petitioners started to cause assault to the informant and his relatives, namely, Md. Ahmad, Md. Sabbir and Rabi Khatoon and injured them through lathi and sword. At that time, Md. Maqusood (petitioner no.1) gave the sword blow at the head of the informant causing blood oozing injury, whereas Md. Sajid (petitioner no.4) caused injury at the head of Md. Ahamd through axe and Md. Majid (petitioner no.6) caused injury at the head of Md. Sabbir through Daab. At that time, Rabi Khatoon was laid down by them on earth with an intention to outrage her modesty and she was also assaulted. In that course, the petitioner no.4 took the gold earring of Rabi Khatoon. When Meharbania Khatton, the wife of the informant, rushed to save, then she was also assaulted by them.

Learned counsel for the petitioners submits that while the specific allegation is against the petitioner nos.1, 4 and 6 to cause injury to the informant, Md. Ahmad and Md. Sabbir through sword, axe and daab respectively, which are sharp cutting weapon, but the injury as found on their person is caused by hard and blunt substance.



Further submission is that due to land dispute, the occurrence of “Maar-Peet” took place between the parties in which the petitioners’ side also sustained injury regarding which on the basis of the fardbeyan of the co-accused Md. Ajmal, Barsoi (O.P. Sudhani) P.S. Case No.231 of 2018 was also instituted against the informant and others. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Katihar, in connection with Barsoi (O.P. Sudhani) P.S. Case No.230 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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