

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87176 of 2019

Arising Out of PS. Case No.-209 Year-2018 Thana- PIRPAINTI District- Bhagalpur

- =====
1. Mo. Mitthu Son of Md. Sirajuddin
 2. Mo. Katkun Son of Mo. Mukhtar
 3. Mo. Raja Son of Mo. Jamal
 4. Mo. Rabbul Son of Mo. Sirajuddin

All are residents of Village-Khanpur, P.S-Pirpainty, District-Bhagalpur.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Md. Fahimuddin

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 24-06-2020 Heard Mr. Ranjan Kumar Jha, learned counsel

for the petitioner and Mr. Md. Fahimuddin, learned APP for

the State.

The petitioners seek bail in anticipation of their

arrest in connection with Pirpainty P.S. Case No. 209 of

2018 dated 23.09.2018 instituted for the offences under

Sections 147, 148, 149, 448, 323, 307, 379, 504, 506 and

354(A) of the Indian Penal Code and Section 27 of the Arms

Act.



According to the allegation in the First Information Report, the petitioner no. 1 has not been alleged to have assaulted any person in particular. Petitioner nos. 2 and 3 are said to have assaulted the son and daughter of the informant respectively by means of sword and farsa respectively, causing corresponding injuries to them. Petitioner no. 4 is alleged to have fired from his weapon but admittedly it did not hit any person.

Mr. Ranjan Kumar Jha, learned counsel for the petitioners has submitted that informant and the petitioners are agnates and there is long standing land dispute between them. A civil litigation also is pending between them. There is counter version of the occurrence and according to learned counsel for the petitioners, the informant and his associates were actually the aggressors.

However, looking at the nature of accusations against petitioner nos. 2/ Mo. Katkun and petitioner no. 3 / Mo. Raja, their prayer for anticipatory bail is rejected.

In case, they surrender before the Court below and seek bail, their applications shall be considered in proper



perspective without being prejudiced by the fact that the present petition on their behalf has not been entertained.

So far petitioner nos. 1/Mo. Mitthu and petitioner no 4/ Mo. Rabbul are concerned, regard being had to the nature of accusation against them, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -XI, Bhagalpur, in connection with Pirpainty P.S. Case No. 209 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This petition stands disposed of accordingly.

(Ashutosh Kumar, J)

sunilkumar/-

U		T	
---	--	---	--

