

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79492 of 2019

Arising Out of PS. Case No.-311 Year-2019 Thana- BAJPATI District- Sitamarhi

1. Md. Sarfe Alam @ M. Sarfe Alam Son of Late Md. Yunus,
 2. Asgari Khatoon Wife of Late Md. Yunus
 3. Afsana Khatoon Wife of Samse Alam
 4. Samse Alam Son of Late Md. Yunis
- All residents of Village- Rudauli, P.S.- Bajpatti, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-02-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioners are apprehending arrest in a case registered for the offence punishable under Sections 341, 323, 324,307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

The prosecution case is that on 06.09.2019, while the accused Md. Sarfe Alam and Samse Alam were constructing the house forcibly on the land of the informant, the informant objected, upon which all accused persons, named in the F.I.R., came with Lathi, Danda, Farsa, Dabiya etc. and started assaulting the informant. It is alleged that accused Arse Alam



assaulted with Dabiya on the head of the informant causing cut injury on left cheek and when son, namely, Md. Mostaque and wife, namely, Roshan Jehan of the informant came to rescue him, they were also assaulted by the accused persons. It is alleged that accused Samse Alam assaulted with Farsa on the head of son of the informant, Mostaue and accused Sarfe Alam pulled saree of the informant's wife.

It is submitted by learned counsel for the petitioners that the petitioners and informant are co-villagers and due to land dispute, the petitioners have been falsely implicated in the present case. He submits that from the injury reports (Annexure-2 series), it is evident that the injury caused by the accused persons are simple in nature, which does not corroborate the prosecution case. It is submitted that there is case and counter case in between the parties.

Considering the genesis of the occurrence as well as case and counter case between the parties, let the above named petitioners be released on bail, in the event of their arrest or surrender before the court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sitamarhi in connection with Bajpatti P.S.



Case No.311 of 2019, subject to conditions as laid down under
Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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