

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31549 of 2020

Arising Out of PS. Case No.-272 Year-2020 Thana- MASHRAK District- Saran

1. HASIM MIYA @ HASIM MIYAN @ MD. HASHIM MIYA Son of Shazid Miya Resident of Village- Mashrakh Takht, P.S.- Mashrakh, District- Saran at Chapra.
2. Aslam Miya @ Aslam Miyan Son of Shazid Miya Resident of Village- Mashrakh Takht, P.S.- Mashrakh, District- Saran at Chapra.
3. Salim Miya Son of Shazid Miya Resident of Village- Mashrakh Takht, P.S.- Mashrakh, District- Saran at Chapra.
4. Munna Miya @ Munna Miyan Son of Hasim Miya @ Hasim Miyan @ Md. Hashim Miya Resident of Village- Mashrakh Takht, P.S.- Mashrakh, District- Saran at Chapra.
5. Raju Miya Son of Salim Miyan Resident of Village- Mashrakh Takht, P.S.- Mashrakh, District- Saran at Chapra.
6. Israfil Miya @ Israfil Miyan Son of Salim Miyan Resident of Village- Mashrakh Takht, P.S.- Mashrakh, District- Saran at Chapra.
7. Sabir Alam @ Shabir Alam Son of Salim Miyan Resident of Village- Mashrakh Takht, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2021 At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition with regard to Munna Miya @ Munna Miyan petitioner no. 4, as during pendency of this case, petitioner no. 4 has already been arrested.

Prayer is allowed. The anticipatory bail petition with regard to petitioner no. 4 is dismissed as withdrawn having



become infructuous.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Mashrakh P.S. Case No. 272 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 379, 504, 506 and 447 of the Indian Penal Code.

Prosecution case in brief is that while the informant was sitting at his door, all the accused persons including these petitioners variously armed came hurling abuses and on being protested by the informant, petitioner no. 2 assaulted the informant with Daab causing head injury. When other family members came to rescue, all the them were assaulted by the accused persons, as a result of which four persons including the informant sustained injury.

It is submitted that on behalf of petitioners that both parties are Gotia and there is long standing dispute between the parties for which title suit no. 624 of 2018 is going on between them. The proceeding under Section 107 Cr.P.C is also going on between the parties. There is case and counter case being Mashrakh P.S. Case No. 305 of 2020 and to save their skin this false case has been filed. The injuries found on the person of



injurd are not dangerous to life. It is further submitted that seven persons from petitioners side also sustained injuries. Petitioners have got clean antecedent, as stated in para 3 of the petition.

Considering the facts aforesaid, the petitioner nos. 1, 2, 3, 5, 6 and 7 above-named, in the event of their arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate VIth, Saran at Chapra in connection with Mashrakh P.S. Case No. 272 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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