

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31657 of 2020

Arising Out of PS. Case No.-265 Year-2020 Thana- RANIGANJ District- Araria

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1. Md. Sabir Alam, age-45 years (M), S/o Late Aquimuddin @ Akalu
 2. Bibi Keswari, age-40 years (F), Md. Sabir Alam
 3. Bibi Tamanna, age-29 years (F), Md. Shahid @ Mithu @ Md. Tohid
Petitioners no. 1 to 3 Resident of Village- Kala Blua, Ward No.6, P.S.-
Raniganj, District- Araria.
 4. Md. Shamsad Alam @ Md. Shamsad, age-55 years (M), S/o Late Iltaf @
Iltaf Resident of Village- Mirzapur, Ward No.10, P.S.- Simraha, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushaduzzoha, Advocate

For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 12-02-2021

Heard Mr. Md. Naushaduzzoha, learned counsel for the petitioners and Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Raniganj PS Case No. 265 of 2020 dated 29.05.2020, instituted under Sections 341/323/324/325/307/379/427/447/504/506/34 of the Indian Penal Code.



3. The allegation against the petitioners along with two others is that they came on the land of the informant and started cutting bamboo and when protested accused no. 1 broke the leg of the informant by hitting from the back of an axe whereas another co-accused had given *dabia* blow and further that petitioners no. 1 and 4 tore the clothes of the informant's wife and snatched silver chain worth Rs. 5,000/- and others had also assaulted.

4. Learned counsel for the petitioners submitted that the informant is the full brother of petitioner no. 1 and there is land dispute. It was submitted that there is also a counter case in which also the present accused side sustained injury. It was submitted that the petitioners have no other criminal antecedent. It was submitted that the allegation of tearing clothes and snatching silver chain is cosmetic and addition to implicate all the family members.

5. Learned APP submitted that against petitioner no. 1 there is specific allegation of hitting from the back of an axe causing fracture on the leg of the informant's wife which has also been noticed by the Court below.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 2, 3 and 4 namely, Bibi Keswari, Bibi Tamanna and Md. Shamsad Alam @ Md. Shamsad respectively, be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, VI, Araria in Raniganj PS Case No. 265 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners no. 2, 3 and 4 namely, Bibi Keswari, Bibi Tamanna and Md. Shamsad Alam @ Md. Shamsad respectively, (ii) that the petitioners no. 2, 3 and 4 namely, Bibi Keswari, Bibi Tamanna and Md. Shamsad Alam @ Md. Shamsad respectively and the bailors shall execute bond with regard to their good behaviour, and (iii) that the petitioners no. 2, 3 and 4 namely, Bibi Keswari, Bibi Tamanna and Md. Shamsad Alam @ Md. Shamsad respectively shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or non-cooperation would lead to cancellation of their bail bonds.

7. Prayer for pre-arrest bail of petitioner no. 1 namely, Md. Sabir Alam is rejected.



8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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