

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34797 of 2020

Arising Out of PS. Case No.-94 Year-2020 Thana- BARURAJ District- Muzaffarpur

1. Md. Salim S/o Late Nasruddin resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
2. Md. Anwar S/o Md. Rojaddin resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
3. Md. Satar S/o Babu Jaan resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
4. Babu Jaan @ Babu Jaan Mian S/o Bekahal Mian resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
5. Md. Meraj S/o Md. Satar resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
6. Md. Saddam S/o Babu Jaan resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
7. Md. Firoj S/o Md. Halim resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
8. Amina Khatoon @ Samina Khatoon @ Samina Begum W/o Md. Salim resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.
9. Munni Khatoon @ Munni Begum W/o Md. Satar resident of village- Pakari Parsauniya, P.S.- Baruraj, District- Muzaffarpur.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Chandra Shekhar Anand, Advocates.
For the State	:	Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 14.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

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



The petitioners apprehend their arrest in connection with Baruraj P.S. Case No.94 of 2020 registered under Sections 341, 323, 504, 354, 506, 308 and 379/34 of the Indian Penal Code.

The accusation is that due to land dispute, in the evening of 26.05.2020, Md. Salim (petitioner no.1), Md. Anwar (petitioner no.2), Md. Satar (petitioner no.3) and Md. Rahman having iron rod and Farsa in their hand came at the door of the informant Madina Khatoon. At that time, Md. Rahman gave the iron rod blow at the head of Md. Yunus and Md. Imran, the brothers-in-law of the informant, who fell down on the ground. When the daughter of the informant came out from the house, then she was also laid down on the ground by the petitioner nos.1 and 2 by catching her hair and they started dragging the informant and her daughter. When Amina Begum, the neighbour of the informant, rushed to save, then Md. Rahman gave iron rod blow on her head. Thereafter, the petitioner nos.4 to 9 also came there and started to cause assault entering into the house of the informant and took cash Rs.5,000/- and ornaments by breaking the box. At that time, Md. Firoz (petitioner no.7) snatched the gold chain of the informant from her neck.

Learned counsel for the petitioners submits that due to



petty dispute, the occurrence of “Maar-Peet” took place between the parties in which both sides sustained slight injury regarding which on the basis of the fardbeyan of the petitioner no.1, Baruraj P.S. Case No.95 of 2020 was also instituted against the prosecution party. Further submission is that it would appear from the F.I.R. that while the petitioners are named in the F.I.R. but no specific overt act is attributed to them.

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 Sri Mahendra Mishra, Judicial Magistrate, First Class, Muzaffarpur, in connection with Baruraj P.S. Case No.94 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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