

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33456 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- BALRAMPUR District- Katihar

1. MD. RAFIQUE Son of Enamul Haque Resident of Village- Mallikpur Bagh Toli, Police Station- Balrampur, District- Katihar.
2. NURUL ALAM @ NURUL HAQUE @ NURAL ALAM Son of late Md. Tahir Resident of Village- Mallikpur Bagh Toli, Police Station- Balrampur, District- Katihar.
3. FIRDOSH @ FIRDOSH KHATOON Wife of Md. Rafique Resident of Village- Mallikpur Bagh Toli, Police Station- Balrampur, District- Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad
For the Opposite Party/s : A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 07.12.2020, within four weeks of starting of 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 Balrampur P.S. Case no. 77 of 2020, registered under Sections 341, 323, 354, 379 and 506/34 of the Indian Penal Code.

The accusation is that in the morning of



04.07.2020, Md. Rafique, Nurul Alam and Firdosh (Petitioners) put thatched over 0.03 decimal land of informant Nahera Khatoon. When informant made protest then all caused assault to her husband Abdul Barique. At that time, Md. Rafique and Nurul Alam (Petitioner Nos. 1 and 2) pulled her on the ground folding Gamchha in her neck and snatched her silver chain and ear rings.

Learned counsel for the petitioners submits that occurrence of Marpit took place due to land dispute in which petitioners' side also sustained injuries regarding which Balrampur P.S. Case no. 78 of 2020 is also instituted on the basis of fardbeyan of Firdosh, wife of petitioner No.1 Md. Rafique. Moreso, the dispute has been settled in between the parties and both parties had filed compromise petition at the time of disposal of A.B.P. No. 802 of 2020 of the petitioners by the Court of learned Sessions Judge, Katihar. Further submission is that only two injuries i.e. one bruise 4"X4" over left side of head, which is said to be grievous in nature and bruise on the neck, which is simple in nature, were found on the person of informant. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Balrampur P.S. Case No. 77 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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