

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2444 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- SONBERSA District- Sitamarhi

1. Khurshaid Laheri @ Khuraishd Laheri, S/o Kifayat Laheri, Resident of Vill.- Narkatiya, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
2. Masud Laheri @ Mansud Laheri, S/o Kifayat Laheri, Resident of Vill.- Narkatiya, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
3. Phoolshaid Laheri, S/o Kifayat Laheri, Resident of Vill.- Narkatiya, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
4. Gafoor Laheri, S/o Sunaut Laheri, Resident of Vill.- Narkatiya, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
5. Sharif Laheri, S/o Gafoor Laheri, Resident of Vill.- Narkatiya, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
6. Noor Mohammad @ Noor Mohammad Laheri, S/o Sujais Laheri, Resident of Vill.- Narkatiya, P.S.- Sonbarsa, District- Sitamarhi (Bihar).
7. Nijam Laheri, S/o Noor Mohammad Laheri, Resident of Vill.- Narkatiya, P.S.- Sonbarsa, District- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate.
For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-09-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel for the petitioners seeks permission to withdraw this application, as petitioner no.3 and 6, namely, Phoolshaid Laheri and Noor Mohammad @ Noor Mohammad Laheri, have been arrested by the police.



Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner nos. 3 and 6.

Heard learned counsel for the petitioner nos. 1, 2, 4, 5 and 7 and the learned A.P.P. for the State through Video Conferencing.

The petitioner nos. 1, 2, 4, 5 and 7 apprehend their arrest in connection with Sonbarsa P.S. Case No. 107 of 2020, registered under Sections 341, 33, 324, 307, 379 and 506/34 of the Indian Penal Code.

The accusation is that on 08.06.2020, in the late evening, informant, Md. Aiyub, was unloading log of wood at his door from the tractor then Gulshaid and his wife, Ashrafi Khatoon asked him that why the peg is being fixed. In the meantime, Gulshaid, Khurashaid Laheri (petitioner no.1), Masud Laheri (petitioner no.2), Fulshaid Laheri (petitioner no.3), Gafur Laheri (petitioner no.4), Sharif Laheri (petitioner no.5), Noor Mohammad (petitioner no.6), Asharafi Khatoon, Nijam Laheri (petitioner no.7) started to abuse and cause assault to him. When his nephew, Md. Sagir, came to save him then he was assaulted through lathi and danda. At that time, Gulshaid Laheri and his wife Ashrafi Khatoon gave Dabia blow causing injury at his head. At that time, Gulshaid snatched cash of Rs.12,500/0 from his pocket.

Learned counsel for the petitioner nos. 1, 2, 4, 5 and 7



submits that occurrence of *Marpit* took place due to petty dispute, in which, petitioners' side also sustained injury, regarding which, Sonbarsa P.S. Case No. 109 of 2020 is also instituted on the basis of Fradebyan of co-accused, Gulshaid. Further submission is that while petitioner nos. 1, 2, 4, 5 and 7 are named in the FIR but no specific overt act has been attributed against them.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 1, 2, 4, 5 and 7 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 the learned Additional Chief Judicial Magistrate-IV, Sitamarhi, in connection with Sonbarsa P.S. Case No. 107 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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