

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.156 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- SIKARPUR District- West Champaran

1. Islam Gaddi, Son of Late Subba Gaddi, Resident of Village-Thathwa,P.S-Shikarpur,District-West Champaran.
2. Mir Hasan Gaddi, Son of Islam Gaddi Resident Of Village-Thathwa,P.S-Shikarpur,District-West Champaran.
3. Imam Hasan Gaddi@ Amam Hasan, Son of Islam Gaddi, Resident Of Village-Thathwa,P.S-Shikarpur,District-West Champaran.
4. Ali Hasan, Son of Islam Gaddi, Resident of Village-Thathwa,P.S-Shikarpur,District-West Champaran.
5. Babul Gaddi, Son of Jajul Gaddi, Resident of Village-Thathwa,P.S-Shikarpur,District-West Champaran.
6. Mamul Gaddi, Son of Jajul Gaddi, Resident of Village-Thathwa,P.S-Shikarpur,District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachida Nand Rai, Advocate.
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-08-2021 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.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Shikarpur P.S. Case No. 55 of 2020, registered under



Sections 341, 323, 324, 307, 427 and 504/34 of the Indian Penal Code.

The accusation is that on 02.01.2020, at about 9.30 A.M., informant, Mustak Gaddi, received information from villagers about dismantling of his new house by Islam Gaddi (petitioner no.1) and Mir Hassan Gaddi (petitioner no.2), on which, informant went there and made protest then they started to abuse. Thereafter, Islam Gaddi (petitioner no.1), Mir Hassan Gaddi (petitioner no.2), Imam Hassan Gaddi (petitioner no.3), Ali Hassan (petitioner no.4), Babul Gaddi (petitioner no.5), Babul Gaddi, Mamul Gaddi (petitioner no.6), Sarhul Gaddi, Bolar Gaddi and Samsul Gaddi having Farsa and iron rod in their hand came there and surrounded him. Thereafter, on the order of Islam Gaddi (petitioner no.1), Imam Hassan Gaddi (petitioner no.3) gave farsa blow causing injury at his head. When his uncle, Iliyas Gaddi, came to save him then Mir Hassan Gaddi (petitioner no.2) caused injury at his head through Farsa then he fell down. Thereafter, his villager, Karmullah Gaddi rushed to save him then Babul Gaddi (petitioner no.5) and Sahrul Gaddi gave Farasa blow causing injury at his head and his villagers Ramullah and Madin Gaddi were also assaulted by Mamul Gaddi (petitioner no.6), Bolar Gaddi and



Samsul Gaddi through iron rod. On raising alarm, villagers came there and rushed to injured persons at Narkatiyaganj Hospita, from where, they were referred to M.J.K. Hospital, Bettiah for better treatment.

Learned counsel for the petitioners submits that only injury nos. 2 and 3 of Karmullah Gaddi are grievous in nature, which are attributed against Babul Gaddi (petitioner no.5) and Sahrul Gaddi and out of three injuries of Madin Gaddi, only one injury is grievous in nature, which is attributed against Mamul Gaddi (petitioner no.6). Further submission is that the injury of Mustaque Gaddi, is simple in nature, which is attributed against Imam Hassan Gaddi (petitioner no.3) and the allegation against rest of the petitioners is general and omnibous. Further submission is that occurrence took place due to land dispute, in which, petitioners' side also sustained injury, regarding which, Shikarpur P.S. Case No. 56 of 2020 is also instituted on the basis of Fradbeyan of Munni Khatoon, wife of petitioner no. 2, Mir Hassan Gaddi.

Having regard to the facts and circumstances of the case, let the petitioner nos. 1, 2, 3 and 4, namely, Islam Gaddi, Mir Hassan Gaddi, Imam Hasan Gaddi @ Aman Hasan and Ali Hasan, 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 Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 55 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the prayer for pre-arrest bail of petitioner nos. 5 and 6, namely, Babul Gaddi and Mamul Gaddi, is concerned, taking into consideration the nature of allegation, I am not inclined to grant anticipatory bail to them. Accordingly, their prayer for grant of anticipatory bail stands rejected. The petitioner nos. 5 and 6 are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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