

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13271 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

1. HUSNAIN @ MD. HUSNAIN @ MD. HASNAIN Son of Sekh Ojair Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
2. Mantazir @ Md. Muntazir Aalam Son of Sekh Akhtar @ Akhtar Hussain Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
3. Sekh Jiyaullah @ Md. Jiyaullah Son of Sekh Husnain @ Husnain Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
4. Sekh Collage @ Sabir Aalam son of Sekh Husnain @ Hasnain Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
5. Sekh Jahoor @ Jahoor Son of Sekh Nabood @ Md. Nabood Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
6. Sekh Shamshad @ Shamashad Alam Son of Sekh Jahood @ Md. Jahoor Aalam Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
7. Sekh Yar Mohammad @ Yar Mohammad Son of Sekh Bashir @ Md. Bashir Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
8. Sekh Emamul @ Sekh Emamul Haq Son of Sekh Yar Mohammad @ Yar Mohammad Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
9. Sekh Ezazul @ Ejajul Son of Sekh Yar Mohammad @ Yar Mohammad Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.
10. Sekh Hesabul @ Hesabul Haque @ Hasbul Haque Son of Sekh Yar Mohammad @ yar Mohammad Resident of Village - Dostiya, P.S.- Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-09-2022 Heard learned counsel for the petitioners and



learned A.P.P. for the State.

Learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application with regard to petitioner nos. 2, 5 and 6.

Permission is accorded.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379, 427 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that rest of the petitioners have antecedent of one case and the informant alleges that on 29.05.2021 at about 8:00 PM, all the 16 named accused persons, including the petitioners, came and started abusing him on account of land dispute, it is next alleged that accused persons assaulted informant's son with lathi and fatta causing injury on the head, thereafter petitioner no. 1 and four others assaulted informant's daughter-in-law with lathi, further Saifullah assaulted her with lathi causing injury on her head, it is next alleged that accused persons also assaulted the informant's brother causing injury on head and looted Rs. 10,000/-



along with gold and silver ornaments.

Learned counsel for the petitioners submits that petitioner has been falsely implicated in the present case, it is next submitted that the petitioners and the informant are agnates, it is also submitted that a case from the side of the petitioners, being Chainpur P.S. Case No. 115 of 21, has been instituted, wherein from the side of the petitioners also injured and have suffered injury, the learned counsel for the petitioners next submits that from perusal of Annexure-3, it would manifest that the injury suffered by the injured, in the present case, are simple in nature and the occurrence took place on account of land dispute.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1, 3, 4, 7, 8, 9 and 10, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



trial court where the case is pending/successor court in connection with Kunwa (Chainpur) P.S. Case No. 114 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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