

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19317 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- SALAKHUA District- Saharsa

1. ABDUL JABAR SON OF MD. SATAR R/O VILLAGE- SARBELA, P.S.- SALKHUA (O.P.BANMA ITAHARI), DISTRICT- SAHARSA
2. MD. KAMRE ALAM @ IZRAIL SON OF AMIN UDDIN R/O VILLAGE- SARBELA, P.S.- SALKHUA (O.P.BANMA ITAHARI), DISTRICT- SAHARSA
3. MD. IMRAN SON OF MD. HASIB R/O VILLAGE- SARBELA, P.S.- SALKHUA (O.P.BANMA ITAHARI), DISTRICT- SAHARSA
4. MD. VASIM SON OF MD. BASIR R/O VILLAGE- SARBELA, P.S.- SALKHUA (O.P.BANMA ITAHARI), DISTRICT- SAHARSA
5. MD. SAMSDAD SON OF MD. FAHIM @ NATHO R/O VILLAGE- SARBELA, P.S.- SALKHUA (O.P.BANMA ITAHARI), DISTRICT- SAHARSA
6. MD. ABDUL RAB SON OF MD. SATAR R/O VILLAGE- SARBELA, P.S.- SALKHUA (O.P.BANMA ITAHARI), DISTRICT- SAHARSA
7. MD. FIROZ SON OF MD. RUSO R/O VILLAGE- SARBELA, P.S.- SALKHUA (O.P.BANMA ITAHARI), DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.



After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.5.

Prayer is allowed.

This application with regard to petitioner no.5 is accordingly dismissed. Now it is being heard for rest of the petitioners.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 354, 379, 504, 506/34 of the Indian Penal Code and section 27 of the Arms Act.

Allegedly, all the FIR named accused persons including the petitioners armed variously came to the door of the informant have indiscriminately assaulted the informant's side and threatened them of dire consequences. It is further alleged that they entered into the house and taken away valuable articles and misbehaved with female members.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather



general and omnibus in nature. It is submitted that there is a land dispute between the parties. In the alleged occurrence, both sides have sustained injuries and there is a case and counter-case between the parties. The injuries are simple in nature. It is submitted that both parties have compromised the case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature and there is case and counter-case between the parties, let the above named petitioners except petitioner no.5, 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Salkhua P.S. Case No.109 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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