

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52934 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- SAKRA District- Muzaffarpur

-
-
1. MD. NAUSHAD Son of Md. Aiyub
 2. Md. Obaidullah @ Abaiidul Son of Bhikhu Miya
 3. Md. Murad Son of Bhikhu Miya
 4. Md. Yakub Son of Bhikhu Miya
 5. Md. Haseer Son of Ahmad Rauf
 6. Md. Naseem Son of Ahmad Rauf
 7. Md. Harun Son of Ahmad Rauf
 8. Md. Sadiq Son of Md. Yakub
 9. Md. Abid Son of Md. Haseer @ Md. Hasir
 10. Md. Laddu Son of Md. Haseer @ Md. Hasir
 11. Rojani Khatoon Wife of Md. Harool
 12. Nazbul Wife of Hasir @ Md. Haseer
 13. Mehron Nisha Wife of Himyun
 14. Tamanna Khatoon Wife of Md. Sahid Daughter of Md. Ayub,
All are Resident of Village - Majhauriya, P.S.- Sakra, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Ms. Nirmala Kumari, A.P.P.
For the Informant	:	Mr. Hans Lal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-07-2022 Learned counsel for the petitioners at the outset submits that petitioner no. 5 and 8 were arrested during the pendency of the present anticipatory bail application, as such, seeks permission to withdraw the prayer for anticipatory bail against them.

Permission is accorded.



Heard learned counsel for the petitioners no. 1 to 4, 6, 7 and 9 to 14, the informant and learned A.P.P. for the State.

The petitioners no. 1 to 4, 6, 7 and 9 to 14 apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 504, 506, 307, 147, 148 and 149 of the Indian Penal Code.

Learned counsel for the petitioners no. 1 to 4, 6, 7 and 9 to 14 submits that petitioners no. 1 to 4, 6, 7 and 9 to 14 have antecedent of one case and the informant alleges that on 16.01.2021, he along with his villagers went to his land near Sakara College Gate then altogether 25-30 persons belonging to the same family along with some outsiders including the petitioners no. 1 to 4, 6, 7 and 9 to 14 were engaged in constructing hut on the land of the informant and when the same was objected the petitioners no. 1 to 4, 6, 7 and 9 to 14 attacked the informant by means of deadly weapon and even threw chilly powder and hot water. It is next alleged that accused persons assaulted the informant and the villagers who were accompanying him leading to injury.

Learned counsel for the petitioners no. 1 to 4, 6, 7 and 9 to 14 submits that from perusal of the allegation as alleged in the FIR, it would manifest that admittedly the alleged



occurrence has taken place on account of land dispute. It is next submitted that it absolutely does not stand to reason that when such occurrence takes place how the informant can give vivid description of the occurrence with such specific details. It next submitted that from perusal of the injury report which is annexed with the FIR it would manifest that none of the injuries are on the vital part of the body.

Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners no. 1 to 4, 6, 7 and 9 to 14 but are not able to meet the submissions of the learned counsel for the petitioners no. 1 to 4, 6, 7 and 9 to 14 that there is no specific allegation of assault against any of the petitioners and the injury is not on the vital part of the body and the occurrence took place on account of land dispute.

Considering the submissions made by the learned counsel for the petitioners no. 1 to 4, 6, 7 and 9 to 14, the petitioners no. 1 to 4, 6, 7 and 9 to 14 above-named, in the event of their arrest or surrender before the learned Court below 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 court below where
the case is pending/successor court in connection with Sakra
P.S. Case No. 53 of 2021, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

