

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21997 of 2023

Arising Out of PS. Case No.-71 Year-2021 Thana- TARABARI District- Araria

1. NABI HASAN Son of Late Rafi @ Rafik Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
2. Md. Ansar @ Ansar @ Aat Hesan Son of Atabul @ Ata Hussain Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
3. Md. Ata Hussain @ Ata Hussain @ Khamaru @ Aat Hesan Son of Late Rafi @ Ratik Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
4. Md. Azad @ Azad Son of Late Rafi @ Late Rafik Ahmad Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
5. Md. Masoom @ Masoom @ Mithu @ Shaikh Massom Son of Azad @ Md. Azad Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
6. Md. Khurshid @ Khurshid Son of Shakoore Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
7. Wahab Son of Late Jahangir @ Zahangir Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
8. Md. Chotu @ Ashraf Son of Nabi Hassan Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
9. Md. Hasan Son of Late Rafi @ Rafik Resident of village - Jhamta, Police Station - Tarabari, District - Araria.
10. Jamal @ Jamaluddin Son of Late Hifaj Resident of village - Jhamta, Police Station - Tarabari, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anamul Haque, Adv.
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners apprehend their arrest in a case registered



for the offence punishable u/s 147, 148, 149, 341, 323, 324, 307, 448, 380, 504, 506 of the IPC and 27 of the Arms Act.

As per the prosecution case, the F.I.R. named persons armed variously started to plough the land of the informant and on objection, they indiscriminately assaulted the informant's side.

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 due to land dispute. 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. For the alleged occurrence, there is case and counter-case between the parties and both sides have sustained grievous injury. 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 both sides have sustained grievous injury, let the above named petitioners, 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 Tarabari P.S. Case No.71 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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