

Court of the 1st Addl. Sessions Cum-Spl Judge, Araria.

Spl (SC/ST) Case No- 189/2018.

30.04.2022. Separately, surrender and bail petitions filed on behalf of the six petitioners namely 1. Jahangir Alam @ Jahangir 2. Kaushar Alam @ Md. Kaishar Alam 3. Mashfique Alam @ Matfique Alam 4. Juber Alam 5. Ekramul Haque and 6. Jamil Haque @ Mujmmil Haque in connection with Spl SC/ST Case No- 189/2018 arising out Araria (SC/ST) P.S. Case No- 81/2018 U/s 342,323,354,504,506/34 IPC and 3 (1)(r) of the SC/ST Act is taken up for hearing vide order dated 22.03.2022 in Cr. Appeal (SJ) No- 3807 of 2019 the Hon'ble High Court of judicature at Patna ha been pleased to direct this court to pass order on the same day of surrender by the accused persons.

Heard both sides and perused the case record including case diary.

As per F.I.R on 25.05.2017 at about 1 ½ A.M. in the night the wife of informant woke up on hearing some noise sound and saw that accused persons armed with deadly weapons entered into his house after breaking the fencing around the house and accused Md. Hannan abused the informant with his caste name and ordered to vacate the land and he further disrobed and tore the clothes of the wife of informant. The accused persons took away food grains kept in the house.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence and falsely been implicated in this case due enmity out of the bonafide land dispute and village politics. Allegation is totally false, baseless and absurd. The petitioners have clean antecedent. The instant case is nothing but counter blast of Palasi P.S. Case No- 96/2017 dt. 02.05.2017 lodged by the uncle of the petitioners. On the basis of compromise, decree has been passed by the learned Munsif, Araria on dt. 07.02.1976 passed in T.S. Suit No- 256/1974 in favour of grand father of the petitioners and accordingly, Zamabandi has been created and the petitioners are coming in peaceful possession over the said land. The co-accused Md. Hannan @ Abdul Hannan surrendered and has been earlier granted bail by this court on dt. 04.10.2019. Moreover, the case has been amicably compromised between the parties and to this effect a joint compromise petitioner alongwith permission petition dt. 29.04.2022 is being filed.

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The learned Spl. P.P. opposed the bail petition but fairly consented on the point of compromise the case between the parties. Informant is in attendance and he has submitted that he has no objection if the petitioners are allowed bail.

As per para- 03 of the bail petitions the petitioners have clean antecedent. From perusal of the record it transpires that there is allegation against the co-accused Md. Hannan @ Abndul Hannan to abuse the informant and further disrobed his wife surrendered before the court on 04.10.2019 and granted bail. Admittedly, there is land dispute between the parties. The land in dispute is said to be decreed in favour of grand father of the petitioners on the basis of compromise and there is case and counter case between the parties.

In the given facts, the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each.

(Dictated)

Sd/-

1st Addl. Sessions Cum-Spl Judge, Araria.

Lateron.

30.04.2022. As per above order bail bond alongwith the rent receipt supported with an affidavit of the introducers has been filed, which seems to be correct and accordingly, same is hereby accepted.

(Dictated)

Sd/-

1st Addl. Sessions Cum-Spl Judge, Araria.