

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31207 of 2017

Arising Out of PS.Case No. -105 Year- 2016 Thana -PARSAUNI District- SITAMARHI

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Md. Shahabuddin @ Md. Sahabuddin Son of Nijamuddin Resident of
Village - Dhanhara, Police Station - Parsauni, District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 17-07-2017 Heard both sides.

The petitioner apprehends arrest in connection with
Parsauni P.S. Case no. 105 of 2016 registered for the offence
under Sections 341, 452, 323, 324, 307, 379 and 504/34 of the
Indian Penal Code.

This petitioner is villager of the informant. It is
alleged that on the date of occurrence, this petitioner and his
family members came at his house and on the hearing of the
sound of knocking, he woke up and came out and thereafter all
the accused persons dragged him to the field of wheat crop where
they assaulted him by means of *Lathi* and *Danda*. This petitioner
allegedly assaulted by *Dabiya* on his head.

It is submitted that there is land dispute between the



parties and much earlier to the present case, the mother of this petitioner had lodged Parsauni P.S. Case no. 88 of 2013 against the informant and his family members for the offence under Sections 376, 511, 379 and other allied Sections of the I.P.C. The petitioner also lodged a police station case vide Parsauni P.S. Case no. 106 of 2013 on 01.09.2013 against the present informant and others for the offence under Sections 354, 379, 447 and other allied Sections of the I.P.C. The informant and his family members were putting pressure on the petitioner to withdraw/compromise the said case and only for putting pressure on him, the informant lodged the present case with false and frivolous allegations against him. The learned counsel for the petitioner further submits that the injury report (Annexure-4) of this application shows that out of four injuries sustained by the informant three are Swelling and one sharp cut which has been found simple in nature. There is admitted land dispute between the parties.

Considering the nature of allegation, simple injuries sustained by the informant and two criminal cases lodged from the side of the petitioner against the informant, the anticipatory bail prayer of this petitioner is allowed. The petitioner above named, in the event of arrest/surrender within six weeks from



today, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Parsauni P.S. Case no. 105 of 2016, subject to the condition as laid down under Section 438(2), the code of Criminal Procedure.

(Sanjay Kumar, J)

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