

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36117 of 2019**

Arising Out of PS. Case No.-56 Year-2019 Thana- JOKIHAT District- Araria

1. SHAKIL Son of Late Sebud Resident of Village - Khona ward no. 7, P.S.- Jokihat, Distt - Araria.
2. Arif Son of Late Sebud Resident of Village - Khona ward no. 7, P.S.- Jokihat, Distt - Araria.
3. Ibrahim Son of Late Faudi Resident of Village - Khona ward no. 7, P.S.- Jokihat, Distt - Araria.
4. Zakir Son of Jahir Resident of Village - Khona ward no. 7, P.S.- Jokihat, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr. Ravish Kumar, Advocate |
| For the Opposite Party/s | : | Mr. Rabindra Kumar, APP    |
| For Informant            | : | Mr. Nafisuzzoha, Advocate  |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      17-08-2019                      Heard learned counsel for the petitioners, informant and learned APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Jokihat P.S. Case No. 56 of 2019 registered for the offences punishable under Sections 341, 342, 323, 379, 354B, 436, 447, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the petitioners as well as the informant are co-sharers and admittedly having land dispute for which a civil suit being Title



Suit No. 158 of 2018 is pending in the court of learned Munsif, Araria. It is submitted that these petitioners except petitioner no. 1 are the plaintiffs in the said suit whereas the informant is defendant no. 1 in the suit. The suit is in respect of the same piece of land over which the alleged occurrence is said to have taken place.

Learned counsel further submits that so far as these petitioners are concerned, there are general and omnibus allegations against them that they had assaulted the husband of the informant by hand and fist blow, however, no injury has been found on the body of the husband of the informant and these petitioners have no criminal antecedent.

Learned counsel for the informant has opposed the prayer of anticipatory bail. It is submitted that these petitioners had assaulted the husband of the informant and the others whose name are mentioned in the FIR had indulged in setting hut of the informant on fire.

In the given facts and circumstances of the case where this Court finds that the informant and these petitioners except petitioner no. 1 are litigating over the same piece of land for which a title suit is pending between the parties and there is no material to show that any injury has been caused to the husband



of the informant because of assault attributable to any of the petitioners and also that they have no criminal antecedent, let the petitioners above named in case of their arrest or surrender within a period of four weeks from today in connection with Jokihat P.S. Case No. 56 of 2019 be released on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

**(Rajeev Ranjan Prasad, J)**

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