

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51345 of 2019

Arising Out of PS. Case No.-86 Year-2018 Thana- UJIYARPUR District- Samastipur

1. Md. Akhtar, Son of Late Md. Khalil Resident of Village-Belari, P.S.-Ujiarpur, District-Samastipur.
2. Md. Jafar @ jafar sah makhdoomi Son of Md. Akhtar Resident of Village-Belari, P.S.-Ujiarpur, District-Samastipur.
3. Pharida Khatun Wife of Md. Akhtar Resident of Village-Belari, P.S.-Ujiarpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with
Ujiarpur P.S. Case No.86 of 2018 for the offence punishable
under Sections 323, 325, 341, 307, 379, 504, 506/34 of the
Indian Penal Code.

The allegation against the petitioners, as mentioned in
the FIR is that the petitioners along with other co-accused
persons assaulted the informant and her daughter. The
allegation against the petitioner No.2 is that he assaulted the
informant by means of Tengari causing injury to her.



Mr. Mukesh Kumar No.1, learned counsel for the petitioners submits that petitioners as well as the side of the prosecution are relatives and there is a land dispute between them. Learned counsel further submits that there is a case and counter case between the parties for the same incident inasmuch as the petitioner No.1 has lodged Ujiarpur P.S. Case No.85 of 2018 against the side of prosecution. Learned counsel submits that the side of the petitioners have also received injuries. Learned counsel relying upon statement made in para 8 and 9 submits that the injury caused to informant due to the alleged assault made by petitioner No.2 are simple in nature and there is no specific allegation against the petitioner No.1 and petitioner No.3.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are related and there is a case and counter case and the case lodged by the side of the petitioner is prior in time and the injury caused to the informant is simple in nature, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a



period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Samastipur, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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