

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48077 of 2019**

Arising Out of PS. Case No.-28 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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MUSTAKIM @ MD. MOSHTAKIM Son of Late Md. Mustafa Resident of
Village - Karhatiya, P.S.- Sadar (Mabbi O.P.), District- Darbhanga

... .. Petitioner/s

Versus

THE SATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 01-08-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 147, 341, 323, 307,
354B, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of
Praveen Khatoon, recorded by A.S.I., Rama Shankar Paswan,
Beta O.P. Police Station, Darbhanga on 21.01.2019 at 02.30
P.M. at D.M.C.H to the effect that on 19.01.2021, at 11.00 A.M.,
five FIR named accused persons variously armed attacked on
the house of the informant. On protest being made, by the
informant, his mother and grand-mother, the petitioner abused
the informant and tried to outrage her modesty, whereupon, the



mother of the informant gave a teeth bite to the petitioner to save the informant. It is also alleged that co-accused Nemutulla tried to cause burn injury to the mother of the informant after pouring kerosene oil while co-accused Md. Jahir tied the hands of the informant's grand-mother. It is further alleged that co-accused Nemutulla tried to assault the informant with a sword, thereafter all the accused persons assaulted them with fists and slaps and legs. The accused persons also alleged to have snatched a silver chain worth Rs.5000/-.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled. There is case and counter case between the parties. Though co-accused Nemutallah is alleged to have assaulted on the head of the informant with a sword, but the informant received one sharp cut injury on the eye brow which is simple in nature.

It is submitted by learned APP for the State the accusation is specific against the petitioner.

Considering the fact that for the occurrence of 19.01.2019, the fardbeyan was recorded on 21.01.2019 when the FIR was registered on 26.01.2019, the specific accusation of assault is not against the petitioner and the accusation has been



levelled in the background of litigated relationship between the parties from before, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Darbhanga in connection with Sadar (Mabbi O.P.) P.S. Case No.28 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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