

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47772 of 2019

Arising Out of PS. Case No.-25 Year-2019 Thana- DANDARI District- Begusarai

Md. Nakib Alam @ Md. Nakib Son of Md. Mansur Alam R/o Village-
Kathari, P.S.- Dandari, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Dandari P.S. Case No. 25 of 2019, registered under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian Penal Code.

The allegation against the petitioner, as per the FIR, is that the petitioner along with other accused persons assaulted Nasibuddin and gave spade blow on his head, causing him head injury.

Learned counsel for the petitioner submits that both the parties are relatives and there was a dispute, with regard to construction of house upon the land of the petitioner. He further submits that there is case and counter case between the parties inasmuch as the side of the petitioner has also lodged Dandari P.S. Case No. 26 of 2019 against the informant. He further



submits that there is specific allegation of spade blow on the head of Nasibuddin, from perusal of injury report it would be evident that there is only abrasion seen in the scalp region. He further submits that no serious injury has been caused by the petitioner upon the head of the Nasibuddin.

After having heard learned counsel for the parties and taking into consideration the fact that both parties are relatives and there is a land dispute and there is case and counter case between the parties, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Dandari P.S. Case No. 25 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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