

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53471 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- AMDABAD District- Katihar

1. MD. MAZHARUL HAQUE @ MAZHARUL HAQUE @ BULLA @
DULAL S/o Md. Yusuf @ Ainul Haque
2. Md. Ainul Haque @ Ainul Haque S/o Md. Yusuf
Both R/o village- Maltipur, P.S.- Amdabad, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-08-2019 The petitioners apprehend their arrest in connection with
Amdabad P. S. Case No. 37 of 2019 registered under Sections
147,148,149,307,323 and 504 of the Indian Penal Code.

Allegation against the petitioners, as per FIR, is that
petitioners assaulted the son of the informant by means of *lathi*
and rod on his head causing injury to him.

Learned counsel appearing on behalf of the petitioners
submits that both parties are co-sharer and there is land dispute
between them. He further submits that there is case and counter
case in between the parties inasmuch Amdabad P.S.Case No. 36
of 2019 has been lodged by the side of the petitioners for the
same incident, which is prior in time to the FIR lodged by the



side of the prosecution inasmuch as FIR against the petitioners has been lodged after delay of about three days. He submits that from perusal of injury report of son of the informant, which is Annexure-3 series, it would be evident that injury caused to him is simple in nature and similarly situated other co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr.Misc. No. 51194 of 2019. He also submits that some persons from prosecution side have also been granted privilege of anticipatory bail by a co-ordinate Bench of this Court passed in Cr.Misc. No. 27274 of 2019.

On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation against the petitioners of making assault upon the head of the son of the informant.

After having heard learned counsel for the parties and taking into consideration the fact that both parties are co-sharer and there is land dispute between them and also there is case and counter case in between the parties and the case lodged by the side of the petitioners is prior in time and injury caused to the son of the informant is simple in nature, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or



surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Katihar in connection with Amdabad P.S.Case No. 37 of 2019; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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