

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3122 of 2020

Arising Out of PS. Case No.-337 Year-2019 Thana- MUFFASIL District- West Champaran

1. SK. SHAHAB @ SAHAB ALAM son of Sk. Nurain Ali R/o Village - Beldari, P.S. - Bettiah Muffasil, Dist. - West Champaran.
2. Sk. Aftab @ Aftab Alam @ SK. Aftab Ali Son of Sk. Nurain Ali R/o Village - Beldari, P.S. - Bettiah Muffasil, Dist. - West Champaran.
3. Sk. Wahab @ Abdul Wahab @ Sk. Wahab Ali Son of Sk. Nurain Ali R/o Village - Beldari, P.S. - Bettiah Muffasil, Dist. - West Champaran.
4. Sk. Nurain Ali @ Nurain S/O Late Reyaz Hussain R/o Village - Beldari, P.S. - Bettiah Muffasil, Dist. - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-03-2020 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bettiah Mufassil Police Station Case No. 337 of 2019, disclosing offences under Sections 341/323/324/307/379/504/34 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners, along with other accused persons, assaulted the informant and there is specific allegation against the petitioner no. 2 that he assaulted the informant by means of sword on his



head. There is no specific allegation against the rest of the petitioners.

Learned Counsel for the petitioners submits that both the parties are neighbours and there is land dispute between them. He further submits that there is case and counter case between the parties inasmuch as Bettiah Muffasil Police Station Case No. 292 of 2019 has been filed by the side of the petitioners against the informant and others and the side of the petitioners have also sustained injuries. He, referring to injury report, submits that the injuries have been found to be simple in nature except injury no. 1, which is grievous, caused by hard and blunt substance, whereas the allegation against the petitioner no. 2 is that he assaulted the informant by means of sword, which is a sharp cutting weapon and as such the injuries caused to the informant is not corroborated by the allegation made in the First Information Report.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours, there is land dispute between them and there is case and counter case between the parties, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Mufassil Police Station Case No. 337 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

