

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10833 of 2020**

Arising Out of PS. Case No.-505 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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1. MD. SADRUL HAQUE @ SADRUL @ SADRUL HAQUE Son of Late Sarfaraz Resident of Village - Pilakhwara, P.S. - Keoti, District - Darbhanga
 2. Md. Atiqur Rahman Son of Late Sarfaraz Resident of Village - Pilakhwara, P.S. - Keoti, District - Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shahnawaz Ali, Advocate
For the informant	:	Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 25-09-2020 Heard Mr. Shahnawaz Ali, learned counsel for the petitioners, Mr. Vinay Kumar Mishra, learned counsel for the informant and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Sadar P.S. Case No. 505 of 2019 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 427, 504 and 506 of the Indian Penal Code.

The allegation against the petitioners is that they assaulted the informant by means of *farsa* on his head.

Learned counsel for the petitioners submits that both the parties are neighbours and there is land dispute between



them since long. Learned counsel further submits that the present First Information Report has been lodged as a counter blast of the First Information Report lodged by the petitioners being Sadar P.S. Case No. 498 of 2019. Learned counsel referring to Annexure-2 i.e. injury report of the informant submits that injuries caused to the informant have been found to be simple in nature.

Learned counsel for the informant, on the other hand, vehemently opposes the prayer for anticipatory bail and submits that there is direct allegation of assault by means of *farsa* upon the petitioners and the petitioners have concealed the material fact of criminal antecedent inasmuch as the petitioners have criminal antecedent but the said fact has not been mentioned in paragraph-3 of this bail petition.

Learned counsel for the petitioners submits that due to inadvertence on the part of the office of learned counsel, the same could not be mentioned in paragraph-3 of this bail petition. Learned counsel submits that both the cases as mentioned by learned counsel for the informant have been lodged by the informant and his family members against the petitioners.

Having regard to the submissions made by the parties



and taking into consideration the materials on record and also the fact that both the parties are neighbours, there is land dispute between them and the injuries caused to the informant are simple in nature, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Sadar P.S. Case No. 505 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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