

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10319 of 2020

Arising Out of PS. Case No.-379 Year-2019 Thana- BARHARIA District- Siwan

1. IRSHAD AHMAD @ GUDDU Son of Late Nawab Hussain Resident of Village - Paharpur, P.S.- Barharia, Distt - Siwan.
2. Parvez Ahmad Son of Kabir Ahmad Resident of Village - Paharpur, P.S.- Barharia, Distt - Siwan.
3. Dilshad Ahmad Son of Shamshad Ahmad Resident of Village - Paharpur, P.S.- Barharia, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Udit Narayan Singh, Advocate
For the informant	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the State	:	Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-09-2020 Heard Mr. Udit Narayan Singh, learned counsel for the petitioners, Mr. Yogesh Chandra Verma, learned senior counsel for the informant and Mr. Narsingh Tanti, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Barharia P.S. Case No. 379 of 2019 registered for the offences punishable under Sections 147, 138, 149, 323, 324, 307, 380 and 120-B of the Indian Penal Code 1860.

The allegation against petitioner No. 1 is that he assaulted the informant on her head by means of *Dab* (sharp



cutting weapon) and petitioner No. 2 assaulted the informant and her mother by means of *lathi* whereas allegation against petitioner No. 3 is of assaulting the daughter of the informant, namely, Gulawasa Khatoon by means of iron rod.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute inasmuch as both the parties are co-sharers. Learned counsel further submits that from the side of the petitioners, Barharia P.S. Case Nos. 144 of 2019 and 340 of 2019 have been instituted against the side of the prosecution, and in retaliation, the present case has been lodged. Learned counsel further submits that the occurrence has taken place on 8.5.2019 but complaint has been filed on 4.6.2019 after considerable delay.

On the other hand, learned counsel for the informant and State vehemently oppose the payer for anticipatory bail and referring to paragraph-44 of the case diary submits that the informant has received grievous injury on her vital part inasmuch as the doctor found the injuries on the scalp, head, frontal region on the person of the informant and has opined the injuries to be grievous in nature. Learned counsel further submits that there is specific allegation of assault against petitioner No. 1 on the head of the informant. Learned counsel



for the informant also submits that the injuries caused by petitioner Nos. 2 and 3 to the mother and daughter of the informant have been found to be simple in nature.

Having regard to the submissions made by the parties and taking into consideration the materials on record, I am not inclined to grant anticipatory bail to petitioner No. 1.

The prayer for anticipatory bail against petitioner No. 1 stands rejected.

However, the allegation upon petitioner Nos. 2 and 3 is that they assaulted the daughter and mother of the informant with *lathi* and iron rod and injuries caused to them have been found to be simple in nature, I am inclined to grant anticipatory bail to petitioner Nos. 2 and 3 namely, Parvez Ahmad and Dilshad Ahmad.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner Nos. 2 and 3, 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, Siwan, in connection with Barharia P.S. Case No. 379 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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