

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10248 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- DARBHANGA SADAR District-  
Darbhanga

- 
1. Md. Saddam Hussain @ Md. Saddam Boss aged about 28 years (male) son of Late Ayub Boss @ Late Ayub.
  2. Id. Mohammad aged about 39 years (male) son of Late Kaisar @ Late Kaisa Both resident of village- Muriya, Police Station- Sadar (Bhalpatti O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

|                          |   |                               |
|--------------------------|---|-------------------------------|
| For the Petitioner/s     | : | Mr. Sanjeev Ranjan, Adv.      |
| For the Opposite Party/s | : | Mr. Nawal Kishore Prasad, APP |
| For the informant        | : | Mr. Vinay Kumar Mishra, Adv.  |

---

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      29-05-2020                      Heard Mr. Sanjeev Ranjan, learned counsel for the petitioners, Mr. Vinay Kumar Mishra, learned counsel for the informant and Mr. Nawal Kishore Prasad, learned counsel appearing for the State through video conferencing.

Learned counsel for the petitioners submits that during the pendency of this application, petitioner no. 1 namely, Md. Saddam Hussain @ Md. Saddam Boss, S/o Late Ayub Boss @ Late Ayub has been arrested, for which an I.A. application bearing I.A. No. 1 of 2020 has been filed by the petitioners.

In view of the same, the present application against petitioner no. 1, above named, is dismissed as withdrawn.

Petitioner no. 2 seeks anticipatory bail in connection with Sadar (Bhalpatti O.P.) P.S. Case No. 05 of 2020, registered for the offence punishable under Section 341, 342, 323, 324, 325, 307, 385, 504 and 34 of the Indian Penal Code, 1860.



The allegation against the petitioner no. 1 in brief is that he along with other accused persons assaulted the informant and petitioner no. 2 assaulted him (informant) by means of hockey stick on his left hand causing fracture.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as both the parties are next door neighbours and they have land dispute between them. Learned counsel referring to Annexure-2, which is injury report of the informant, submits that injury no. 2 is at best attributable to the petitioner and from perusal of the same it appears that the informant has suffered injury near his left wrist, which according to learned counsel for the petitioner is not a grievous injury and is on non-vital part of the body.

On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that petitioner nos. 1 and 2 have got criminal antecedents inasmuch as three cases are already pending against petitioner no. 2. In reply, learned counsel for the petitioner submits that all the three cases have been filed by the informant in which the petitioner no. 2 is on bail.

Having regard to the submissions made by the parties and taking into consideration the fact both the parties are next



door neighbours, there appears to be land dispute between them and injury caused to the informant by petitioner no. 2 is not grievous and not on the vital part of the body, I am inclined to grant anticipatory bail to the petitioner no. 2.

Accordingly, let the petitioner no. 2 namely, Id. Mohammad, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Sadar (Bhalpatti O.P. ) P.S. Case No. 05 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

This application so far against petitioner no. 1 is concerned, stands dismissed as withdrawn.

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

**(Anil Kumar Sinha, J)**

praful/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

