

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10335 of 2020

Arising Out of PS. Case No.-423 Year-2019 Thana- KESARIA District- East Champaran

Hesamuddin @ Hesamuddin Ahmad age – 39 yrs male S/o - Zahirul Haque,
Resident of Village - Baradih, Bairiya, P.S. Kesariya, District - East
Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Asif Kalim, Advocate

Mr. Ajay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-06-2020 Heard Mr. Nafisuzzoha, learned counsel for the
petitioner , Mr. Asif Kalim, learned counsel appearing for the
informant and Mr. Ajay Kumar, learned counsel appearing for
the State through video conferencing.

The petitioner apprehends his arrest in connection
with Kesariya P.S. Case No. 423 of 2019, G.R. Case No. 6514
of 2019 registered for the offence punishable under Section 341,
323, 324, 307 & 354B / 34 of the I.P.C.

The allegation against the petitioner is that the
petitioner assaulted the father of the informant by means of
Khukhari on his head.



Learned counsel for the petitioner submits that both the parties are co-sharers and there is land dispute between them. Learned counsel submits that there is case and counter case between the parties inasmuch as petitioner was also injured on the same date of occurrence and has lodged Kesariya P.S. Case No. 433 of 2019. Learned counsel for the petitioner referring to Annexure- 3 to this anticipatory bail application submits that injury caused to the father of the informant near his left hand has been found to be simple in nature caused by hard and blunt substance.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that the petitioner along with other accused persons assaulted the informant as well as his father and the informant has received very serious injuries on his hand due to which he is unable to move his hand and has been referred to A.I.I.M.S., Patna for better treatment.

Having heard learned counsel for the parties and taking into consideration the fact that there is specific allegation upon the petitioner of assault upon the father of the informant and the injury caused to him has been found to be simple in nature, both the parties are co-sharers and there is case and



counter case between the parties, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall 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 A.C.J.M. 3, Motihari, East Champaran in connection with Kesariya P.S. Case No. 423 of 2019, G.R. Case No. 6514 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 bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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