

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17260 of 2020**

Arising Out of PS. Case No.-167 Year-2019 Thana- ABADPUR District- Katihar

1. MD. NAJIM @ MD. NAZIM Son of Jamsed Ali @ Md. Jamshed Resident of Village- Budha Kamat, P.S.- Abadpur, District- Katihar.
2. Md. Abed Son of Jamsed Ali @ Md. Jamshed Resident of Village- Budha Kamat, P.S.- Abadpur, District- Katihar.
3. Jamsed Ali @ Md. Jamshed Son of Late Madhsu Resident of Village- Budha Kamat, P.S.- Abadpur, District- Katihar.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-07-2020 Heard learned counsel for the petitioners and Mr. Kumar Veerendra Narayan, learned A.P.P. for the State.

Petitioners, in the present case, are seeking anticipatory bail in connection with Abadpur P.S. Case No. 167/2019 registered for the offences punishable under Sections 147, 148, 323, 324, 307, 354B, 379, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that in fact both the petitioners are co-villagers and as it appears from the case and counter case, both the parties have indulged in scuffle wherein the informant and two others from his side have suffered simple injury. In this connection the injury reports



(Annexure '2') have been relied. It is further submitted that the assault given by the informant of this case and his side petitioner no. 1 and some of his members have suffered grievous injury which would be evident from the injury report contained in Annexure '3'. Annexure '3' shows simple injury on petitioner no.1 whereas grievous injury on Nazir Ali and again grievous injury on Najera Khatoon of the petitioners' side.

Learned counsel submits that in the nature of the scuffle which took place between the two co-villager apparently on account of some disputes over keeping of the house hold animals, they deserve privilege of anticipatory bail.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners, considering that there is a case and counter case between the parties, they are close door neighbours in the village and the dispute has arisen on a petty issue where both the parties seem to have indulged in causing injury to each other and injury allegedly caused to informant's side are simple in nature as also that now both the sides are said to have settled their disputes amicably and in this connection the petitioners have enclosed a compromise petition (Annexure '4') apparently with an



intention to live peacefully, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Adabpur P.S. Case No. 167/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

