

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17499 of 2020**

Arising Out of PS. Case No.-5 Year-2020 Thana- ABADPUR District- Katihar

1. SIRAJUL @ SHEIKH SIRAJUL @ SURAJ @ SURAAZ S/o Late Rustam Ali R/o village- Laguwa Dasgram, P.S.- Abadpur, District- Katihar
2. Kutubuddin @ Kutubaddin S/o Late Rustam Ali R/o village- Laguwa Dasgram, P.S.- Abadpur, District- Katihar
3. Kurban Ali S/o Late Rustam Ali R/o village- Laguwa Dasgram, P.S.- Abadpur, District- Katihar
4. Md. Hanif S/o Late Rustam Ali R/o village- Laguwa Dasgram, P.S.- Abadpur, District- Katihar
5. Noor Islam S/o Late Rustam Ali R/o village- Laguwa Dasgram, P.S.- Abadpur, District- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

3 23-09-2020 Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP Incharge for the State in absence of Mr. Bharat Lal, learned A.P.P.

The petitioners in the present case are seeking pre-arrest bail in connection with Abadpur P.S. Case No. 05 of 2020 registered for the offences punishable under Sections 341, 307, 379, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that admittedly the dispute between the parties is over a Khatiyani land on which both of them are claiming. It is pointed out that in



the fardbeyan the informant has named altogether 10 persons who had allegedly come to Tea Shop where the informant was taking Tea. It is alleged that all those 10 persons started assaulting him with Lathi and Danda, in the meantime, the nephew of the informant reached there and on seeing the large number of villagers the accused persons fled away. It is then alleged that Qutubuddin and Serajul, petitioner no. 2 and 1 respectively had taken away Rs. 12,000/- from the pocket of the informant.

Learned counsel for the petitioners submits that in course of investigation the injury reports of the informant and his nephew and brother have been obtained by the Investigating Officer. So far as the injuries on the body of the nephew and brother of the informant are concerned, those are only superficial kind of injuries and simple in nature. So far as the informant is concerned, he has suffered one grievous injury on his face and two swellings which are simple in nature, but then the allegations are against altogether 10 accused persons which are not substantiated from the number of injuries found on the body of the informant and his nephew. It is thus submitted that apparently on account of land dispute the case has been lodged with false accusation and over implication of the accused in



order to harass them. It is further submitted that it is a counter blast of Abadpur P.S. Case No. 170 of 2019 lodged by petitioner no. 1 on 03.12.2019.

Although learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case there is an obvious land dispute between the parties, case and counter case and then altogether 10 persons are named in the F.I.R. and there are general and omnibus kind of allegations against all of them, the petitioners have otherwise no criminal antecedent, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Abadpur P.S. Case No. 05 of 2020 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 Chief Judicial Magistrate, 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/-

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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'.

