

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25030 of 2020

Arising Out of PS. Case No.-82 Year-2018 Thana- KHAGARIA District- Khagaria

1. MD. SARIF S/O Md. Hafij Resident of Village - Mehauri, P.S. - Muffasil, District - Khagaria.
2. Md. Umar S/O Md. Sarif Resident of Village - Mehauri, P.S. - Muffasil, District - Khagaria.
3. Md. Saddam S/O Md. Shaheem Resident of Village - Mehauri, P.S. - Muffasil, District - Khagaria.
4. Md. Shamsad S/O Late Md. Sadik Resident of Village - Mehauri, P.S. - Muffasil, District - Khagaria.
5. Md. Nausad S/O Md. Sadik Resident of Village - Mehauri, P.S. - Muffasil, District - Khagaria.
6. Md. Muzafar @ Mozahid @ Md. Muzahid S/O Late Md. Sarif Resident of Village - Mehauri, P.S. - Muffasil, District - Khagaria.
7. Md. Munna S/O Md. Shaheem Resident of Village - Mehauri, P.S. - Muffasil, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-10-2020 Heard Mr. Rajesh Kumar, learned counsel for the petitioner and Mr. Rana Randhir Singh, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners apprehend their arrest in connection with Khagaria PS Case No. 82/2018 registered for the offence punishable under Sections 147, 341, 448, 307, 504, 379, 429 and 323 IPC.



3. The prosecution story, as per FIR, is that the petitioners along with other accused persons arrived at the house of the informant and assaulted her on her right thumb by means of iron rod and her husband was assaulted by pistol butt on his head.

4. Learned counsel for the petitioners submits that both the parties are closely related and there is land dispute between them. Learned counsel further submits that the injuries, caused to the informant and her husband, have been found to be simple in nature except one injury on the thumb of the informant which has been opined as grievous in nature.

5. Learned counsel also submits that petitioners have been given benefit under Section 41A CrPC as, the petitioners during course of investigation, have co-operated with the police. However, the police, after investigation, has submitted charge-sheet against the petitioners under Sections 308 and other allied Sections of the IPC but learned trial court differing with the police report took cognizance under Sections 307 and 379 of the IPC.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that both the parties are family members and there is



land dispute between them and the injury caused to the informant and her husband have been found to be simple in nature except one injury found on the thumb of informant which is on the non vital part of the body, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, petitioners, named above, shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Khagaria, in connection with Khagaria PS Case No. 82/2018, (G.R. No. 368/2018) subject to the conditions as laid down under Section 438(2) CrPC.

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

(Anil Kumar Sinha, J)

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