

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.28555 of 2020

Arising Out of PS. Case No.-37 Year-2020 Thana- AMAUR District- Purnia

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1. Mukhtar @ Md. Mukhtar, Son of Late Masleuddin, R/o village - Raili Balua, P.S.- Amour, District - Purnea
 2. Mustaque @ Mustaque Alam, Son of Late Masleuddin, R/o village - Raili Balua, P.S.- Amour, District - Purnea
 3. Naiyar, Son of Late Masleuddin, R/o village - Raili Balua, P.S.- Amour, District - Purnea
 4. Afsar Alam @ Aftar Alam, Son of Late Masleuddin, R/o village - Raili Balua, P.S.- Amour, District - Purnea
 5. Abdul @ Md. Abdul, Son of Mustaque @ Mustaque Alam, R/o village - Raili Balua, P.S.- Amour, District - Purnea

... .. Petitioners

Versus

The State of Bihar

.. ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-12-2020 Learned counsel for the petitioners undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Tapeswar Sharma, learned A.P.P. for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Amour P.S. Case No. 37 of 2020 registered for the offences punishable under Sections 147, 149, 341, 323, 308, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report there is a land dispute between the



parties, both are next door neighbours and it is alleged that these petitioners after forming an unlawful assembly having Farsa, Lathi, Fatta, sword, Gupti in their respective hands started dismantling the hutment of the informant and then they entered into the premises of the informant abusing the family members. When an objection was raised then all the accused persons on the orders of the co-accused Mukhtar surrounded the informant. It is alleged that Abdul inflicted sword blow upon the right wrist of the informant and when his wife and sons came to rescue him, they were also assaulted and Mustaque gave Gupti blow to Musabir on his left hand who received injury, Naiyer assaulted wife of the informant by lathi and fractured her hand and further accused Mukhtar gave farsa blow to Khalid on his head as a result whereof he suffered injury and was referred to Referral Hospital.

Learned counsel submits that all the allegations are false and flimsy. Earlier the petitioners' side had lodged a case in which the informant's side was convicted and even with regard to the present occurrence the wife of co-accused Mustaque had lodged a counter case which is Annexure '2' to the present application.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that the petitioners came lashed with deadly weapons and with premeditation of mind, they assaulted the informant's side.

Having regard to the facts and circumstances of the



case, wherein this Court finds that both the parties are having land dispute and they are next door neighbours but there is specific allegation of assault by Gupti against Mustaque (petitioner no. 2) to Musabir and then petitioner no. 5 is said to have inflicted a sword blow on the right wrist of the informant and another accused Mukhtar gave a farsa blow on Khalid on his head, the head being vital part of the body and the weapon used being farsa also getting corroborated from the injury received by Khalid, this Court is not inclined to grant anticipatory bail to Mukhtar (petitioner no. 1) who has assaulted on the vital part of the body, however, however so far as other petitioners are concerned since the assault caused by them have allegedly caused injury on non-vital part of the body, in the nature of the allegations, let the petitioner nos. 2, 3, 4 and 5 above named in the event of their arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing 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, Purnea in connection with Amour P.S. Case No. 37 of 2020, subject to the condition 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 2, 3, 4 and 5 and in case at any stage it is found that the petitioner nos. 2, 3, 4 and 5 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 2, 3, 4 and 5.

(Rajeev Ranjan Prasad, J)

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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'.

