

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29442 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- PALASI District- Araria

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1. MD. KHURSID @ MD KHURSHID S/o Md. Sagir @ Bachcha Resident of Village- Mehru Chowk, Ward No.9, P.S.- Palasi, District- Araria.
 2. Md. Tanbir @ Md. Tanvir S/o Atabul Resident of Village- Mehru Chowk, Ward No.9, P.S.- Palasi, Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Najmul Hoda, Adv.
For the Opposite Party/s	:	Mr. Raj Kishore Singh, APP
For the Informant	:	Mr. Pankaj Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2020 Heard Mr. Najmul Hoda, learned counsel for the petitioner, Mr. Pankaj Sinha, learned counsel representing informant and Mr. Raj Kishore Singh, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners apprehend their arrest in connection with Palasi PS Case No. 153/2020 registered for the offence punishable under Sections 323, 341, 307, 324, 379, 504/34 of the IPC.

3. The allegation, as per First Information Report, is that the petitioners along with other accused persons assaulted sister-in-law (Bhabhi) as well as mother of the informant by means of Farsa and sword.

4. Learned counsel for the petitioners submits that both the parties are related to each other and there is land dispute



between them from before. Learned counsel further submits that there is case and counter case between the parties and mother of petitioner no.2, namely, Bibi Mehrejun has filed Palasi PS Case No. 157/2020 against informant and others.

5. Learned counsel appearing for the informant vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that from perusal of the FIR and the injury report annexed as (Annexure-3) to this petition, it would be evident that there is specific allegation of assault against petitioner no.1 upon the sister-in-law (Bhabhi) of the informant and the injury caused to the victim has been found to be grievous in nature on the vital part of the body i.e., head. Learned counsel next submits that the mother of the informant has also received injury on the vital part of her body i.e., head, caused by petitioner no.2 but the same has been opined as a simple injury by the doctor.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that injury caused to the victim by petitioner no.1 on her head has been found to be grievous in nature, I am not inclined to grant anticipatory bail to the petitioner no.1, MD. KHURSID @ MD KHURSHID. Accordingly, the prayer for anticipatory bail filed on behalf of petitioner no.1. MD. KHURSID @ MD KHURSHID, stands rejected.



7. However, having regard to the facts and circumstances of the case and taking into consideration the material on record and the fact that injury caused to the mother of informant by petitioner no.2 has been opined to be simple in nature, I am inclined to grant anticipatory bail to the petitioner no.2, MD. TANBIR @ MD. TANVIR. Accordingly, the prayer for anticipatory bail filed on behalf of petitioner no.2 stands allowed.

8. Accordingly, petitioner no.2, MD. TANBIR @ MD. TANVIR shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Araria in connection with Palasi PS Case No. 153/2020, subject to the conditions as laid down under Section 438(2) CrPC.

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

(Anil Kumar Sinha, J)

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