

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36429 of 2020

Arising Out of PS. Case No.-338 Year-2020 Thana- FORBESGANJ District- Araria

MD. TAHSIN @ TAHSIN ALAM Son of Mohibur Rahman Resident of
Village - Purandaha Laxmipur, Ward No.01, P.S.- Simraha, Distt.- Araria,
Bihar-854311

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-06-2021 Heard both sides through video conferencing.

The petitioner apprehends his arrest in Forbesganj P.S.
Case No.338 of 2020 registered under Sections 447, 341, 323,
324, 325, 307, 354, 427, 379, 504, 506 and 34 of the Indian
Penal Code.

The informant named five persons in the F.I.R. and in
sum and substance alleged that when he went to his land, he saw
the accused persons digging his pond. The informant objected,
on such, the accused persons assaulted him with fists and slaps.
When his son Abu Nasar came, Mohibur Rahman assaulted him
with farsa on his head and his son Abu Nasar got injury.
Thereafter, Mazhar, Tasowar, Yusuf and other villagers came
and saved the son of the informant.

The learned counsel for the petitioner submits that at
the first instance all the accused persons including the petitioner
is said to have assaulted the informant with fists and slaps. The
informant got simple injury but Mohibur Rahman is said to have
assaulted Abu Nasar, the son of the informant with farsa on his
head. The injury found on Abu Nasar is grievous in nature.



Petitioner is not the assailant of Abu Nasar. It is further submitted that land was purchased by the ancestor of the petitioner in the year 1971. Their names are mutated and they are paying rent.

It appears that there is a bonafide land dispute and petitioner is alleged to have assaulted the informant with fists and slaps. Mohibur Rahman is said to have assaulted Abu Nasar, the son of the informant with farsa on his head. The informant got simple injury.

Taking into consideration the facts aforesaid, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No.338 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

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

