

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34578 of 2020**

Arising Out of PS. Case No.-78 Year-2020 Thana- BALRAMPUR District- Katihar

1. ABDUL BARIK SON OF LATE ENAMUL HAQUE RESIDENT OF VILLAGE-MALLIKPUR BAG TOLI, POLICE STATION- BALRAMPUR, DISTRICT- KATIHAR
2. NAHELA KHATOON @ NAHERA KHATOON WIFE OF ABDUL BARIK RESIDENT OF VILLAGE - MALLIKPUR BAG TOLI, POLICE STATION- BALRAMPUR, DISTRICT- KATIHAR

... .. Petitioners

Versus

THE STATE OF BIHAR.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad
For the Opposite Party/s : A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-03-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 11.12.2020, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Balrampur P.S. Case no. 78 of 2020, registered under Sections 341, 323, 324 and 379/34 of the Indian Penal Code.

The accusation is that there is six decimal of land near the house of informant Firdosh Khatoon in the name of her



husband Md. Rafique and brother-in-law Abdul Barik on which toilets were constructed by them and to grab the remaining land, her brother-in-law Abdul Barik and his wife Nahela Khatoon (petitioners) were started quarreling with the informant since two years and they were adamant to cause assault. On 04.07.2020, both came to the informant with some unknown persons and tried to plough the said land, when informant made protest then Nahela Khatoon (Petitioner No.2) tried to give sickle blow on her husband, but her husband caught hold the sickle then her brother-in-law Abdul Barik (Petitioner No.1) with pointed stick caused injury to her husband and snatched cash of Rs. 5,000/- from his pocket, when informant tried to rescue then with intention to kill, petitioner No.1 folded Gamchha in her neck and pressed it.

Learned counsel for the petitioners submits that, in fact, due to land dispute, hot talks were exchanged in between the informant and petitioners, but with ulterior motive, the informant lodged the present case and regarding the said occurrence, the petitioner No.2 has also lodged Balrampur P.S. Case No. 77 of 2020 on 05.07.2020 against the informant of the present case and others. Further submission is that after lodging of the present case, the dispute in respect to land, has already



been settled and both parties have entered into the compromise.

The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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-VI, Katihar in connection with Balrampur P.S. Case No. 78 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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