

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40711 of 2020

Arising Out of PS. Case No.-75 Year-2020 Thana- NAUHATTA District- Saharsa

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1. Md. Abdul Kalam @ Md. Abdul Kalam Quasmi, S/o Late Kayyum
 2. Md. Sadique Iqbal @ Saadik Iqbal @ Mithhi @ Muththi @ Miththu, S/o Wahidul Haque
 3. Md. Waliullah @ Waliullah, S/o Late Khalique
- All are resident of Village-Diwra, P.S.-Nauhatta, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-06-2021 Heard Mr. Nafisuzzoha, the learned Advocate for
the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Nauhatta P.S. Case No. 75 of 2020, dated 10.05.2020, instituted for the offences under Sections 341, 323, 354-B, 379, 308, 504 and 506/34 of the Indian Penal Code.



The petitioners are alleged to have assaulted the informant and others. The petitioner No. 3 is alleged to have made attempts at outraging the modesty of the wife of the informant.

It has been submitted on behalf of the petitioners that a dispute between the parties galvanized into full fledged assault but the responsibility for such quarrel was of the informant and his associates. It has further been submitted that there is a dispute between the parties over a plot of land and the occurrence took place when the construction activity was started over the said plot of land. It has also been submitted that a proceeding under Section 144 Cr.P.C. is also afoot between the parties.

The petitioner No. 1 is a teacher in a government school.

The injury reports indicate that all the injuries suffered by the informant and his two associates are simple in nature.

Considering the aforesaid background facts and taking into account that the petitioners have clean



antecedents, they, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Saharsa, in connection with Nauhatta P.S. Case No. 75 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, it is cautioned that if the petitioners ever try to tamper with the evidence or intimidate the prosecution side or create any further trouble over the land in dispute, the anticipatory bail granted to them would be rendered liable to be cancelled.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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