

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12355 of 2021

Arising Out of PS. Case No.-195 Year-2020 Thana- JAYNAGAR District- Madhubani

1. SHABANA KHATOON Wife of Md. Imam Hussain Resident of village - Islampur, P.S. - Jaynagar, District - Madhubani.
2. Md. Imam Hussain Son of Md. Amrit Resident of village - Islampur, P.S. - Jaynagar, District - Madhubani.
3. Md. Habib Son of Md. Amrit Resident of village - Islampur, P.S. - Jaynagar, District - Madhubani.
4. Md. Tamanna Son of Md. Imam Hussain Resident of village - Islampur, P.S. - Jaynagar, District - Madhubani.
5. Md. Chand @ Noor Mohammad Son of Md. Imam Hussain Resident of village - Islampur, P.S. - Jaynagar, District - Madhubani.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ratanakar Jha
For the Opposite Party/s	:	Mr. Md. Soban Asghar
		Mr. Awadesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

4 09-03-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as learned APP for the State assisted by learned counsel for the informant.

The petitioners apprehend their arrest in connection with Jaynagar P.S. Case No. 195 of 2020, registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 307, 504, 506 of the Indian Penal Code.



As per allegation mentioned in the First Information Report, Md. Kasim along with four labourers was making boundary on his land. Meanwhile, the FIR named accused persons including the petitioners prohibited them from making boundary. The further allegation is that on protest co-accused Md. Mansoor inflicted rod blow on the head of Md. Kasim. Petitioner No. 4, Md. Tamanna has also inflicted *farsa* blow on his head due to which he sustained injury and became unconscious. The allegation against the other accused persons is that they were also assaulting Md. Kasim by *lathi*, *danda*. The allegation against petitioner No. 5 is that he opened fire on Sarfaraj but he did not sustained any injury.

Learned counsel for the petitioners has submitted that the petitioners are innocent and there is case and counter case. The counter case has been lodged as Jayanagar P.S. Case No. 194 of 2020 he has also submitted that there is land dispute between the parties.

On the other hand, learned counsel for the informant has submitted that the case has been registered under Section 302 and there is allegation on all the accused persons that they assaulted the deceased.

The post-mortem report is annexed with the case diary as Annexure-3 which shows that cause of death of deceased is head injury. The FIR itself shows that Md. Mansoor and Md. Tamanna, petitioner No. 4, inflicted rod and *farsa* blow on the head of the deceased which appears to be cause of death. As such, petitioner No. 4 Md.



Tamanna is not entitled for privileges of anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner No. 4, Md. Tamanna, is hereby **rejected**.

So far as petitioner Nos. 1, 2 and 3 are concerned the allegation against them is general and omnibus and alleged petitioner No. 5 on which there is allegation that he has fired shot but none has sustained firearm injury. As such, petitioner Nos. 1, 2, 3 and 5 are directed to be released, in the event of their arrest or surrender within four weeks before the learned court below, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sub-Divisional Judicial Magistrate, Madhubani in connection with Jaynagar P.S. Case No. 195 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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