

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4040 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- SINGHESHWAR District- Madhepura

1. MD. ATIKUR RAHMAN @ MD. ATIQR RAHMAN S/o Late Md. Tajuddin @ Late Tajuddin @ Late Md. Tajauddin Resident of Jhitkiya, Ward No.-6, P.S.- Singheshwar, District- Madhepura.
2. Md. Sakim S/o- Late Md. Tajuddin @ Late Tajuddin @ Late Md. Tajauddin Resident of Jhitkiya, Ward No.-6, P.S.- Singheshwar, District- Madhepura.
3. Md. Saqueeb @ Md. Sakib S/o- Md. Sakim Resident of Jhitkiya, Ward No.-6, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 447, 379, 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioner nos. 1 and 2 has antecedent of one case and petitioner no. 3 is a person with clean antecedent and the informant alleges that on 28.05.2021, he was sitting with his brother at his door when 7 named accused persons, including the petitioner and 4-5 unknown accused, came and started abusing the informant, it is



next alleged that Md. Masiur Rahman assaulted the brother of the informant on head with sword causing injury and when informant came to rescue him then Md. Saqueeb (petitioner no. 3) assaulted the informant with an iron rod on head causing injury, thereafter it is alleged that Md. Atiqur Rahman (petitioner no. 1) assaulted the father of the informant with sword on his head causing injury, it is next alleged that Md. Sakim and Md. Mukhtar assaulted the informant, his father and his brother with lathi and Md. Tajuddin assaulted the pregnant sister of the informant with leg and fist on her abdomen and Rehana Khatoon snatched gold chain worth Rs. 75,000/-, it is next alleged that when people started gathering the accused persons fled away, firing in the air and it is alleged that the occurrence was committed as the accused person wanted the informant to withdraw the earlier case.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that earlier also petitioner nos. 1 and 2 were implicated at the instance of the informant, it is next submitted that from bare perusal of the injury report of the injured, it would manifest that the injury suffered by the informant and his brother are simple in nature and as far as father of the informant



is concerned, it is alleged that he was assaulted by sword on head by petitioner no. 1 but from bare perusal of the injury report, it would manifest that he had received injury which is grievous in nature but is on the left hand, the learned counsel thus submits that no doubt there is one injury on the head also but the said injury is not grievous and the grievous injury is on non-vital part of the body. The learned counsel next submits that petitioners admittedly are not criminals and on account of land dispute the present occurrence took place as they are agnates, but this fact has not been disclosed in the FIR. The learned counsel next submits that from the side of the petitioners Singheshwar P.S. Case No. 126 of 2021 has been instituted against the informant and others in which also a child aged about three years, has received grievous injuries at the hand of the informant and other accused persons, as would be evident from Annexure-4.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 10,000/-
(Rupees Ten Thousand) each with two sureties of the like
amount each to the satisfaction of the learned trial court where
the case is pending/successor court in connection with
Singheshwar P.S. Case No. 125 of 2021 subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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