

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6205 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- CHHATAPUR District- Supaul

1. MD MOHSIM @ MD MOHASIN @ Son of Late Md. Uddin Resident of Village - Pratapnagar, P.s.- Chhatapur, Distt.- Supaul.
2. Shakeel @ Md. Shakeel Son of Md. Sadik Resident of Village - Pratapnagar, P.s.- Chhatapur, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arun, Advocate
For the Opposite Party/s	:	Mr.Dilip Kumar No. 1, APP
For the Informant	:	Mr.Kumar Goutam, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 325, 379, 354(B), 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the accused persons were constructing building over his disputed land in defiance of the order of the Circle Officer, thus on account of land dispute it is alleged that the accused person came and assaulted him and with respect to petitioner



no.1 it is alleged that he assaulted Md. Isahq by *farsa* on head and petitioner no. 2 assaulted the informant by an iron rod on his leg apart from other allegations as alleged in the F.I.R.

Learned counsel for the petitioners submits that from perusal of the allegations as alleged in the F.I.R. it would manifest that on account of land dispute, the present occurrence took place, it is next submitted that petitioners are not criminals, even the blows were not repeated. Learned counsel submits that though petitioner no.1 is alleged to have assaulted Md. Ishaq on head but then the injury is simple in nature and as far as petitioner no. 2 is concerned, it is alleged that he assaulted the informant on leg which is a non-vital part of the body

Learned A.P.P. for the State and the learned counsel for the informant vehemently oppose the prayer for anticipatory bail of the petitioners but are not in a position to meet the submission of the learned counsel for the petitioner that the injuries suffered by the injured are simple in nature.

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 Court below 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 court below where the case is pending/successor court in connection with Chhatapur P.S. Case No. 194 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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