

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25103 of 2022

Arising Out of PS. Case No.-165 Year-2020 Thana- CHHATAPUR District- Supaul

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1. CHAND @ MD CHAND KHAN S/o Md. Rahman Khan R/o Village- Charne Ward No.-3, P.S.- Chatapur (Rajeshwari O.P.), District- Supaul
 2. Kalam @ Abdul Kalam S/o Md. Rahman Khan R/o Village- Charnef Ward No.-036, P.S.- Chhatapur, (Rajeshwari O.P.), District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Patla Kumari, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

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

The informant alleges that on 15.07.2020, the accused persons were fencing their land and had also encroached part of the land of the informant, on which the informant objected, when Chand and Kalam assaulted him by iron rod causing injury on head, Nazmal assaulted by lathi causing injury of axilla and also looted valuable and cash.

Learned counsel for the petitioners submits that



petitioners are persons with clean antecedent, it is next submitted that petitioners and the informant are neighbours and there is land dispute between the parties, it is next submitted that date of occurrence was 15.07.2020 and the FIR came to be instituted on 18.07.2020 based on a written application of the informant which amply demonstrates that the injured were not taken either to a Government hospital or a private hospital for treatment or else the hospital would have informed the police that injured in such conditions are being treated based on assault, which creates doubt with regard to the veracity of the allegation. Learned counsel next submits that from perusal of Annexure-2 which is the injury report of the injured it would manifest that the same is dated 25.07.2020, when the occurrence is of 15.07.2020, which further cause doubt with regard to the allegations, it is next submitted that even the injuries suffered are simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that though the injury report is dated 25.07.2020, then from perusal of Annexure-2 it would manifest that the injured was examined on 15.07.2020 itself, but is not able to rebut the submission of learned counsel for the petitioners that as to why the FIR came to be instituted on 18.07.2020 and also that injuries 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty 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 Chhatapur P.S. Case No. 165 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailors of the petitioner shall be their father Md. Rahman Khan.

(Satyavrat Verma, J)

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