

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37257 of 2021

Arising Out of PS. Case No.-51 Year-2021 Thana- PURNEA SADAR District- Purnia

1. MD. MOJIM Son of Md. Sadique @ Md. Siddique Resident of Village - Kanela Ward No.15, P.S.- Purnea Muffasil (Ranipatra), Distt.- Purnea.
2. Md. Saddam @ Saddam Son of Md. Mojib Resident of Village - Kanela Ward No.15, P.S.- Purnea Muffasil (Ranipatra), Distt.- Purnea.
3. Md. Haidar Son of Md Mojib Resident of Village - Kanela Ward No.15, P.S.- Purnea Muffasil (Ranipatra), Distt.- Purnea.
4. Lajima Khatoon @ Lajina W/o Md. Mojib Resident of Village - Kanela Ward No.15, P.S.- Purnea Muffasil (Ranipatra), Distt.- Purnea.
5. Tabassum D/o Md. Mojib Resident of Village - Kanela Ward No.15, P.S.- Purnea Muffasil (Ranipatra), Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha,APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-02-
2022

Heard the parties.

Learned counsel for the petitioners is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail on behalf of the petitioner nos.2, 4 and 5, as they have already been arrested, during pendency of this application.

Permission is granted.



This application is dismissed as withdrawn on behalf of the petitioner nos.2, 4 and 5.

Further, after some arguments, learned counsel for the petitioner seeks permission to withdraw the prayer for anticipatory bail made through this application as against petitioner no.3.

Permission is granted.

Accordingly, this application stands dismissed as withdrawn as against the petitioner no.3.

Now, the present application is being heard for consideration of anticipatory bail on behalf of the petitioner no.1 only.

The petitioner apprehends his arrest in a case in connection with Sadar (Muffasil) P.S. Case No.51 of 2021, registered for the offence punishable under Sections 147, 341, 323, 324 and 379/34 of the Indian Penal Code.

The allegation against the petitioner is that he has assaulted the informant by means of lathi and dabiya, on account of a land dispute.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner, as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in



nature. There is an admitted land dispute between the parties. There is case and counter-case between the parties, for the alleged occurrence and both sides have sustained injuries. The injury sustained by the informant is simple in nature. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since, both sides have sustained injuries and the injury of the informant is simple in nature, I am inclined to enlarge the petitioner no.1 on anticipatory bail. Accordingly, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Sadar (Muffasil) P.S. Case No.51 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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