

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38078 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- BIRAUL District- Darbhanga

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RIZWAN AHMAD @ MD. RIZWAN S/O UMAR FAROOQ @ MD. UMAR FAROOQUE R/O VILLAGE-GEYARI, P.O-BIRAUL, P.S-BIRAUL AND DISTRICT-DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.
For the Opposite Party/s : Mr.Narshingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-02-2022 Heard the parties.

Learned counsel for the petitioner 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.

The petitioner apprehends his arrest in a case in connection with Biraul P.S. Case No.215 of 2020, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

The prosecution case, in short is that while the informant was standing near his home, where construction of road was being made, the petitioner along with other accused persons forming an unlawful assembly, surrounded the informant with



arms in their hand. It is alleged that the petitioner assaulted the informant by means of axe, resulting in head injury. Thereafter, the brother of the informant was also assaulted by other accused persons.

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 due to prior dispute. 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. It is submitted that on account of admitted land dispute, a free fight has taken place, in which both sides have sustained injuries. There is case and counter-case between the parties. The injury reports of both sides are enclosed with this application at Annexure-3 and 4. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since the occurrence took place on account of a land dispute and both sides have sustained injuries, let the above named petitioner, 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 Biraul P.S. Case No.215 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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