

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37485 of 2022

Arising Out of PS. Case No.-331 Year-2021 Thana- HARLAKHI District- Madhubani

1. Md. Akhtar @ Md. Akhtar Hussain Son Of Late Abdul Mazid, Resident Of Village- Naharniya, P.S.- Harlakhi, District- Madhubani
2. Md. Parwez @ Md. Parwer Alam Son Of Md. Akhtar @ Md. Akhtar Hussain, Resident Of Village- Naharniya, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar, Advocate Mr. Vinod Kumar, Advocate Mr. Gagan Deo, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-09-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the Stat as well as learned counsel for the informant through virtual mode.

The petitioners seek regular bail in connection with Harlakhi P.S. Case No. 331 of 2021 lodged under Sections 341, 323, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

As per the prosecution, the F.I.R. has been lodged against 8 known persons including the present petitioners. It has been alleged in the F.I.R. that the dispute has arisen due to measurement of land in which the petitioner no.1 has attacked on Md. Mustakin and petitioner no.2 has attacked on Md. Ezaz

(husband of the informant). Due to injury, all were went to hospital for treatment.

Learned counsel for the petitioners submits that both parties are resident of same village and there is admitted land dispute exist between them. It has been stated that on the said date, time and place, the F.I.R. has been lodged from both the sides and injury has taken place from both the sides. Learned counsel for the petitioners has annexed the injury report which is Annexure-2. Learned counsel for the petitioners further submits that petitioners are man of clean antecedent and they are in custody since 17.05.2022. He further submits that charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant has vehemently opposes the prayer for bail and submits that if bail shall be granted to them, they shall again started quarrelling with the informant. He admits that there is case and counter case and injury took place from both sides.

In the present facts and circumstances of the case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 331 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of tjeor bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bonds that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--