

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9007 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- POTHIA District- Kishanganj

1. MUJAMMIL Son of Late Bahar Ali R/o Khatia Pichhla, P.S. Pothia, District- Kishanganj
2. JUNAID Son of Jamil R/o Khatia Pichhla, P.S. Pothia, District- Kishanganj
3. MOJIB Son of Jamil R/o Khatia Pichhla, P.S. Pothia, District- Kishanganj
4. NAJMUL Son of Late Bahar Ali R/o Khatia Pichhla, P.S. Pothia, District- Kishanganj
5. TAJMUDDIN Son of Late Maksad Ali R/o Khatia Pichhla, P.S. Pothia, District- Kishanganj
6. RAFIQUE @ CHAMAROO Son of Late Nasiruddin R/o Khatia Pichhla, P.S. Pothia, District- Kishanganj
7. BANU Son of Tajmuddin R/o Khatia Pichhla, P.S. Pothia, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard Mr. Dilip Kumar Singh, learned counsel for the petitioners and Mr. Rabindra Kumar, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Pothia PS Case No. 187/2022 dated 18.07.2022 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 384, 307, 504 and 506, of the IPC.

3. As per prosecution story, the petitioners along with



other accused persons variously armed arrived at the land/field of the informant where Jute crops were standing and started harvesting the same and upon protest being made by the informant, the co-accused, Jamil assaulted the informant by means of *Hasua* and petitioner no.2, Junaid started pressing the neck of the informant with an intention to kill him.

4. Learned counsel for the petitioners submits that there is a previous land dispute between the parties and all the family members of the petitioners have falsely been implicated in this case. He next submits that the allegation against the petitioners is general and omnibus in nature except petitioner no.2 against whom there is an allegation that he pressed the neck of the informant. No apparent injury on the neck of the informant has been brought on record by the prosecution as would be evident from the impugned order.

5. Regards being had to the submissions made by the parties, taking into consideration the nature of allegation and the fact that allegations against the accused persons are general and omnibus in nature except petitioner no.2 who allegedly, pressed the neck of the informant but no apparent injury on the neck of the informant has been brought on record by the prosecution, I am inclined to grant anticipatory bail to the



petitioners.

6. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Pothia PS Case No. 187/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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