

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25971 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- CHAUSA District- Madhepura

1. Md Arbaj Alam @ Talim Son Of Ful Sahid Alam
2. Md. Gulam Sarbar @ Sarbar Gulam @ Gulam Sarbar Son Of Jamil Alam
Both Residents Of Village- Chausa Basti , Ps- Chausa, Distt- Madhepura
3. Md. Waris @ Md. Barish Son Of Sarbar Alam Resident Of Village- Chausa
West , Ps- Chausa, Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajit Kumarl, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Dr. Sanjay Kumar Singh, learned counsel for
the petitioners and Mr.Ajit Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Chausa P.S.Case No.288/2022 , registered for the offences punishable under Sections 341, 323, 307, 354(B), 379, 504 & 506/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that the co-accused persons named in the FIR assaulted with bricks causing head injury to the informant, his two sons and wife.

4. The learned counsel appearing on behalf of the petitioners submits that the petitioner no.1, namely, Md. Arbaj Alam @ Talim assaulted with bricks on the head of the



informant causing lacerated injury and the opinion on the injury has been kept reserved. So far as petitioner nos. 2, namely, Md. Gulam Sarbar @ Sarbar Gulam @ Gulam Sarbar and 3 namely Md. Waris @ Md. Barish is concerned, there is general and omnibus allegation against them, who have assaulted with bricks to the informant, his two sons and wife along with other co-accused persons. There is case and counter case between the parties due to the land dispute, which took place while the informant side was raising boundary wall adjacent to the land of the petitioners. Petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the fact that altogether eight accused persons are named in the FIR. There is general and omnibus allegation against the petitioner nos. 2 and 3. So far as petitioner no.1 is concerned, allegation against him is that he has assaulted the informant with bricks, which caused lacerated wound over right parietal scalp of the injured and the opinion on the injury has been kept reserved. The petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on



furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Uda Kishunganj, Madhepura in connection with Chausa P.S.Case No.288/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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