

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.35414 of 2023

Arising Out of PS. Case No.-142 Year-2020 Thana- JADIA District- Supaul

MD. KALIM Son of Md. Maksud Resident of Village- Maharampur, PS-
Jadiya, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat
For the State : Mr.Shantanu Kumar
For the informant : Mr. Pawan Kumar Chaurasiya

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-07-2023 1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Jadia Police Station Case No. 142 of 2020, dated 04.08.2020, disclosing offences punishable under Sections 341/323/324/307/380/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 27.07.2020, the petitioner, along with four other named co-accused persons and 6-7 unknown persons, variously armed, entered into the house of the informant,



started abusing her and in the mean time, at the instigation of co-accused Md. Mansoor, the petitioner has allegedly assaulted the husband of the informant by means of farsha on his head, due to which he sustained injury.

4. Learned Counsel for the petitioner submits that there is case and counter case between the parties and the alleged occurrence has taken place due to land dispute, for which a title suit, bearing Title Suit No. 86 of 2017 is pending. He further submits that the petitioner has also sustained injury in the free fight between the parties, for which the wife of the petitioner has lodged Jadia Police Station Case No. 143 of 2020.
5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that the injury caused to the husband of the informant is grievous in nature, as would be evident from the injury report. He produces the injury report before this Court in course of argument.
6. I have heard learned Counsel for the parties concerned and have perused the injury report.
7. From perusal of the injury report, it is evident that the



injury nos. 3 and 4 are simple in nature and injury nos. 1 and 2, which are grievous in nature, are as follows:

(i) Lacerated wound frontal region of head 1½” x 1/4’ x 1/8”

(ii) Abrasion (L) arm elbow joint and lacerated wound (L) ring finger 1” x 1/4” x 1/8”

8. It is also apparent that both the parties are neighbours and there is land dispute between them, title suit is pending between the parties and the injury caused to the husband of the informant is not corroborated by the allegation made in the First Information Report inasmuch as the doctor has opined that the injuries have been caused by hard and blunt substance; whereas, the allegation of assault is by sharp cut weapon. There was free fight between the parties and the petitioner has also sustained simple injury. Accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

9. This application is allowed.

10. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties



of the like amount each to the satisfaction of learned 5th Additional Chief Judicial Magistrate, Supaul, in connection with Jadia Police Station Case No. 142 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

