

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36236 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Sheikh Hannan @ Hannan Shakil Sheikh Son of Sheikh Sakil Resident of village - Gadhwa Bazaar, P.S. - Majhauria, Distt. - West Champaran
2. Sheikh Subhan @ Abdus Subhan Son of Sheikh Sakil Resident of village - Gadhwa Bazaar, P.S. - Majhauria, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2023 Heard Mr. Abhishek Kumar, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Majhauria P.S. Case No. 6 of 2023 registered for the offences punishable under Sections 341, 323, 354B, 324, 307, 504 and 506/34 of the Indian Penal Code.

3. It is alleged that on account of previous land dispute, the FIR named accused persons including the petitioners variously armed with came there and started abusing. On protest being made, Sheikh Subhan (petitioner no.2) assaulted the informant over her head by means of *farsa* and Hannan Sheikh (petitioner no.1) tossed her on the ground and



tried to outrage her modesty. Further allegation of assault and misbehave has been levelled against other accused persons.

4. Learned counsel for the petitioners submits that there is a long-standing dispute between the parties which resulted into initiation of a proceeding under Section 107 CrPC vide Case Nos. 1570 of 2014 and 1698 of 2019. The informant has also filed a Title Suit No. 26 of 2020 against the father of the petitioners. He further submits that the injuries which are allegedly sustained to the informant and her husband are found to be simple in nature. In support of the aforesaid averment, the injury report has been brought on record as Annexure-2 and 2/1 to this petition. He next submits that prior to the institution of this case, the father of the petitioners also filed a Majhailia P.S. Case No. 88 of 2023 against the informant, her husband and others.

5. On the other hand, learned counsel for the State opposes the application for grant of pre-arrest bail.

6. Regard being had to the submissions made on behalf of the parties and considering the longstanding dispute between the parties, coupled with the nature of injury and the fact that the Title Suit is pending between the parties, let the above named petitioners, be released on bail, in the event of



their arrest or surrender before the learned 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhaulia P.S. Case No. 6 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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