

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37485 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- MATIHANI District- Begusarai

1. Md Sabir Shah @ Md Sahbir Shah @ Md Sabir Sah S/O Late Jabbar Sah @ Md. Late Jabbar Sah R/O Village- Rampur, Ward No. 17, PS. Matihani, Dist. Begusarai
2. Md. Haider Sha @ Md. Haider @ Md. Haidar Shah @ Md. Haidar S/O Late Jabbar Sah @ Md. Late Jabbar Sah R/O Village- Rampur, Ward No. 17, PS. Matihani, Dist. Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Sandip Kumar Gautam, learned counsel
for the petitioners and Mr. Arun Kumar Singh, learned APP for
the State.

2. The petitioners apprehend their arrest in connection
with Matihani P.S. Case No. 135 of 2022 registered for the
offences punishable under Sections 147, 149, 385, 307, 379, 504
and 506 of the Indian Penal Code.

3. It is alleged that on account of family feud, all the
accused persons including the petitioners armed with lathi, rod
and other weapons came at the house of the informant and
started abusing and demanded Rs.50,000/- as *rangdari*. On
protest being made, the petitioner no.2 assaulted the informant



by means of iron rod due to which he sustained fracture injury in his finger and when the mother of the informant came to his rescue, she was also assaulted by co-accused Md. Ayub Sah and co-accused Md. Mazhar forcibly snatched rupees one thousand from the pocket of the informant.

4. Learned counsel for the petitioners submits that persons of both sides are agnates and, on account of family feud, a scuffle took place in which persons of both the sides sustained injuries. For the said occurrence, a complaint case has already been filed by the petitioner no.1 being Complaint Case No. 1821C of 2022 against the informant and others. He further submits that even as per the FIR, admittedly, the informant sustained injury on his finger causing fracture and it has been opined to be grievous in nature. He next submits that the petitioners undertake that they will fully cooperated in the investigation/trial and will not indulge in such type of crime in future.

5. On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation has been levelled against the petitioner no.2.

6. Having considered the submissions made on behalf of the parties and taking into account the injury which has



sustained on the non-vital part of the body, coupled with the counter version of the present case and the undertaking given by the petitioners, 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 Judicial Magistrate 1st Class, Begusarai, in connection with Matihani P.S. Case No. 135 of 2022, 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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