

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41518 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- MORO District- Darbhanga

1. ZIYAUR RAHMAN @ JEYAUUL RAHMAN SHEIKH Son of Jakibul Rahman Resident of Village - Ratanpura Tola Purwani, P.S.- Moro, District - Darbhanga
2. Md. Rajaullah Shaikh @ Md. Pyre Son of Ziyaur Rahman @ Jeyaul Rahman Sheikh Resident of Village - Ratanpura Tola Purwani, P.S.- Moro, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code.

3. Allegedly, on instigation by petitioner no.1, petitioner no.2 assaulted the informant with lathi on his head, due to which he sustained head injury.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Both the parties are agnates. No such occurrence as alleged ever took place. Petitioners have been falsely



implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. It is further submitted that both the parties compromised the matter and filed a compromise petition before Sessions Judge, Darbhanga on 12.08.2022. Though, the learned Court below rejected the anticipatory bail application of the petitioners on the basis of the fact that injury was found on the vital part of the body of the victim, but opinion regarding the nature of injury was not mentioned in the impugned order. There is no specific over act against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is admitted land dispute 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 six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in



connection with Moro P.S. Case No. 49 of 2022, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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