

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49122 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- SIKTI District- Araria

Md. Arif @ Md. Arif Hussain Son Of Habbu @ Late Habibur Rahman
Resident Of Village- Muraripur, Ward No. 02, Ps- Sikty, Dist- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Sikty P.S. Case No. 103 of 2023 registered on 13.04.2023, for the alleged offence under Sections 143, 341, 323, 324, 307, 380, 335, 504, 506 of the Indian Penal Code.

03. As per prosecution case, in the background of land dispute, the petitioner and other co-accused persons assaulted the informant and his family members. The allegation against the petitioner is that he gave a sword blow on the husband of the informant. Further allegation is that the assailants set the house of the informant on fire and took away Rs. 8,00,000/-, ornaments and mobile phones from the house of the informant.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The occurrence has been reported to the police after one day and there is no explanation for the same. Admittedly, there is land dispute between the parties. The allegation against the petitioner is of giving sword blow on the husband of the informant, but no such injury has been found and only a lacerated wound caused by hard and blunt substance has been found on the person of informant's husband, though it is stated to be grievous. The injuries sustained by other victims are simple in nature. There is no specific allegation against the petitioner in the statements of son, son-in-law and daughter of the informant. During investigation, none of the witnesses have supported the prosecution case and the allegations of burning of the house and theft are ornamental. On the date of occurrence, the informant's side illegally and forcefully started construction of house on the land of the petitioner and when the petitioner raised objection, the informant's side brutally assaulted him, for which, the petitioner lodged Sikty P.S. Case No. 111 of 2023, which has been registered for the offence under Sections 143, 341, 323, 324, 279, 504 and 506 of the Indian Penal Code.

05. Learned A.P.P. for the State opposes the prayer for



anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the lack of injuries alleged to have been caused by the petitioner and further considering the background of land dispute and the case and counter case between the parties and also considering the possibility of false implication, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub Division Judicial Magistrate, Araria/concerned court in connection with Sikty P.S. Case No. 103 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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