

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47476 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- BARSOI District- Katihar

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1. MD. SADIQUE @ MOHMAD SADIQ S/O LATE SAMIRUDDIN R/O Village- Joharpur, P.S- Barsoi, Distt.- Katihar.
 2. Gulesha Khatoon W/O Md. Sadique @ Mohmad Sadiq R/O Village- Joharpur, P.S- Barsoi, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR OLD SACHIVALAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najeeb Ahmad
For the Opposite Party/s : Mrs. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-08-2023 Heard learned counsel for the petitioners as well as learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 379, 354, 307 and other allied Sections of the Indian Penal Code.

3. Allegedly, on the pretext of land dispute, the petitioners along with other co-accused persons assaulted the informant's side by means of several weapons due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such



occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. It is submitted that one injury was found simple in nature (mild bruise on nose) and the opinion on second injury has been kept reserved. There is an admitted land dispute between the parties and a case and counter-case as well. Earlier the aunt of petitioner no.1 filed a FIR being Barsoin P.S. Case No.136 of 2023 for offences u/s 354, 379 and other allied Sections of the IPC, wherein the informant and her husband along with others have been made accused. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

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

6. Having regard to the facts and circumstances of the case as well as considering the nature of injury, 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 court below where the case is pending/Successor Court in



connection with Barsoi P.S. Case No.138 of 2023, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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