

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50881 of 2023

Arising Out of PS. Case No.-542 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. Taki Akhtar @ Touki Akhtar Son Of Ash Mohammad Resident Of Village - Millat Colony, P.S. - Town, District - Madhubani. (Wrongly Mentioned In The F.I.R. Resident Of Village - Data Ganj, Ward No.11, P.S. - Town, District - Madhubani)
 2. Farjana Begam Wife Of Taki Akhtar @ Touki Akhtar Resident Of Village - Millat Colony, P.S. - Town, District - Madhubani. (Wrongly Mentioned In The F.I.R. Resident Of Village - Data Ganj, Ward No.11, P.S. - Town, District - Madhubani)
 3. Md. Kalam Son Of Mozim Resident Of Village - Dokhra, P.S. - Manigachhi, District - Darbhanga (Address Wrongly Mentioned In The F.I.R.)
 4. Dev Jee Bhagat Son Of Ram Sevak Bhagat Resident Of Village - Khirhar, P.S. - Khirhar, District - Madhubani (Address Wrongly Mention In The F.I.R.)

... .. Petitioners

Versus

The State of Bihar, Patna

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ravi Prakash, Advocate
For the Opposite Party	:	Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Madhubani Town P.S. Case No. 542 of 2022 dated 31.12.2022,
instituted for the offence punishable under Sections 341, 323,
324, 354(B), 448, 427, 379, 504 and 34 of the Indian Penal
Code.

3. The prosecution case, in brief, is that on



29.12.2022, at about 7:00 A.M., petitioner No. 1 to 4 along with unknown miscreants had come to the ancestral land of informant with intention to build boundary wall. When the informant along with his family members reached at the said land, petitioners started to assault them and caused grievous injuries. It is further alleged that petitioners have also molested 16 years old daughter of informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the informant and others want to forcibly grab the land of the petitioner No. 1 and the same was protested by the petitioner No. 1, due to this reason informant lodged a false case and implicated all family members and friend of the petitioner No. 1. It is further submitted that the petitioner No. 1 has also filed a case against the son of the informant and others bearing Madhubani Town P.S. Case No. 539 of 2022 dated 29.12.2022 under Section 341, 323, 324, 307, 385, 354(B), 427, 379, 504, 506/34 of the Indian Penal Code. Further, it is submitted that land bearing *Khata* No. 131, Plot No. 48 is the land of the petitioner No. 1. It is further submitted that the land, in question, belongs to petitioner No. 1, who is paying rent regularly to the Government. Lastly, it has been



submitted that they have no case against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Madhubani Town P.S. Case No. 542 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhubani, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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