

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50558 of 2022**

Arising Out of PS. Case No.-985 Year-2021 Thana- TURKAULIYA District- East
Champaran

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MUJIBURR RAHMAN @ MAJIBUR RAHMAN S/o Sheikh Daroga R/o
Village- Kawalpur, P.S.- Turkaulia, District- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subodh Kumar Mishra,Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Turkaulia P.S. Case No. 985 dated 21.12.21 GR Case No.
6878 of 2021 for the offence registered under Sections 341, 323,
354, 387, 307, 427, 504 and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the FIR, the informant alleged that the
petitioner side asked for '*rangdari*' and further this petitioner
opened fire which hit his hand and when the others came to
rescue, they were also assaulted.

Learned counsel for the petitioner submits the he has
purchased a piece of land from the sister of the informant and



the fact that they do not want to share the land with their sister and one after another both the brothers lodged the FIR against him, this being one of them. Further, a Title suit vide No. 196 of 2022 has already been filed and is pending before the learned Sub-Judge -3, Motihari (East Champaran).

The further submission is that although there has been allegation, the same has been found to be simple in nature. The last submission is that without accepting the allegations and/or the outcome of the present petition, in view of the fact the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 20,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that allegation against him is of opening fire although he concedes that injuries have been found to be simple in nature.

Taking into account the fact that the Title suit has been pending between the parties, injuries have been found to be simple in nature and the petitioner on its own wants to



provide medical assistance to the informant, this Court is inclined to grant him relief subject to payment of Rs. 20,000/- as stated above as also the fact that he will be cooperating in the investigation and appearing before the Trial Court diligently.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM East Champaran, Motihari in connection with Turkaulia P.S. Case No. 985 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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