

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56944 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- SULTANGANJ District- Bhagalpur

1. Rabia Khatun, Wife Of Md. Irsad @ Md. Irshed, R/O Vill- Kasimpur, P.S.- Sultangnj, Dist- Bhagalpur
2. Md. Irsad @ Md. Irshed, Son Of Md. Zamal, R/O Vill- Kasimpur, P.S.- Sultangnj, Dist- Bhagalpur
3. Md. Zunaid @ Pairu @ Md. Junaid Shah, Son Of Md. Rajjak Shah, R/O Vill- Kasimpur, P.S.- Sultangnj, Dist- Bhagalpur
4. Bibi Tamanna @ Tamann Khatoon, Wife Of Md. Zunaid @ Para @ Md. Junaid Shah, R/O Vill- Kasimpur, P.S.- Sultangnj, Dist- Bhagalpur
5. Bibi Ashmin, Daughter Of Md. Munsi @ Md. Munshi @ Md. Samir, Resident Of Village- Kasimpur, P.S.- Sultanganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kshem Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mrs. Kshem Sharma, learned counsel

 appearing on behalf of the petitioners and the learned Additional

 Public Prosecutor for the State.

2. The petitioners are apprehending thier arrest in connection with Sultanganj P.S. Case No. 216 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 308, 379, 504 and 506 of the Indian Penal Code.

3. Allegedly, the informant had purchased a piece of land from Bibi Gulshan and Md. Jiyaul Haque @ Jiyauddin, however, when the informant requested to register the sale deed, the accused persons surreptitiously sold the same to one Md.



Irshad, which gave rise to a land dispute and enmity between the parties. On the alleged date of occurrence, persons of both the sides have entered into scuffle and the petitioners have brutally assaulted the informant and his family members.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are the bona fide owner of the land, in question, which they have procured by a registered sale deed dated 06.04.2017 and they have been coming in the peaceful possession. She further submits that there is a Title Suit bearing No. 81 of 2018, which is pending between the parties, however, only in order to terrorize and pressurize the petitioners, the present FIR has been instituted. That apart, the present case is nothing but has been instituted in retaliation of Sultanganj P.S. Case No. 213 of 2023 instituted by petitioner no. 1 (Rabia Khatun) against the informant and others. She next submits that in fact persons of both the sides have sustained injuries, however, from the impugned order it appears that the same has not been specifically dealt with and it appears that the injuries are also not grievous. She lastly submits that in fact on account of the long standing dispute between the parties certain cases have been instituted against the petitioners.

5. On the other hand, learned counsel for the State



opposed the pre-arrest bail application and submits that the petitioners have brutally assaulted the informant and his family members, resulting into serious injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the occurrence and the case and counter case, coupled with the pendency of the Title Suit and other cases, let the petitioners above named be released on bail, in the event of thier arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Additional Chief Judicial Magistrate 1st, Bhagalpur in connection with Sultanganj P.S. Case No. 216 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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