

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56626 of 2023

Arising Out of PS. Case No.-427 Year-2022 Thana- AAJAM NAGAR District- Katihar

1. Mustakim @ Md. Mustakim Son of Kuddus @ Abdul Kuddus Resident of village - Gendabari, P.S. - Azamnagar, Distt. - Katihar
2. Abdul Kuddus @ Kuddus Son of Late Jahiruddin Resident of village - Gendabari, P.S. - Azamnagar, Distt. - Katihar
3. Rajeda Khatoon Wife of Md. Kaisar Resident of village - Gendabari, P.S. - Azamnagar, Distt. - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushlesh Chaudhary, Adv.

For the Opposite Party/s : Mr. Satyendra Narain Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-11-2023 Heard Mr. Kaushlesh Chaudhary, learned counsel appearing on behalf of the petitioners and Mr. Satyendra Narain Singh, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Aajamnagar P.S. Case No. 427 of 2022, registered for the offences punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

3. Allegedly, while the informant along with his family members were engaged in household work, in the meantime, all the accused persons, including the petitioners, armed with *lathi*, sticks and *bhala*, came there and started abusing them. On being objected by the informant, it is alleged that the petitioner no. 3, Rajeda Khatoon assaulted the informant with *dabiya* over his head due to which he sustained head injury.



When other family members came to save him, the petitioners and others also assaulted them.

4. It is submitted on behalf of the petitioners that admittedly there is a long standing land dispute for which civil litigation is going on between the parties. There is counter version of the present crime being Aazamngar P.S. Case No. 428 of 2022 instituted on the same day by the persons of the petitioners side. It is further submitted that, in fact, the family members of the petitioners have sustained grievous injuries, injury report of which has been brought on record as annexure 4 series. Further submissions has been made that prior to the alleged occurrence, the petitioner no. 2 had filed a civil case with respect to the same land in the court of DCLR, Barsoi being B.L.D.R. Case No. 107 of 2022-23 against the informant and others which, later on, has been sent to the competent court for proper adjudication. He lastly submits that though there is specific allegation against petitioner no. 3 but this is the fact that there is no repetition of blow and the same has caused on account of a sudden provocation and thus, a sympathetic approach may be taken in favour of the petitioner no. 3.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the informant has



sustained grievous injury over his head, i.e., vital part of the body, and the same has attributed to petitioner no. 3 and other petitioners have also assaulted the family members of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the occurrence and the fact that on account of scuffle arising out of a land dispute, the persons of both the sides have sustained serious injuries and moreover, the petitioner no. 3 is a lady, let the petitioners abovenamed be released on bail, in the event of their 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 Chief Judicial Magistrate, Katihar in connection with Aajamnagar (salmari O.P.) P.S. Case No. 427 of 2022 corresponding to G.R. No. 6446 of 2022, 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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