

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58886 of 2023

Arising Out of PS. Case No.-69 Year-2019 Thana- ANDHRAMATH District- Madhubani

Md. Muktar Ahamad @ Md. Mukhar @ Md. Mukhatar Allam Son of Md.
Rasul R/o vill - Hariraha, P.s. - Andramath, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Ratnakar Jha, learned counsel appearing on
behalf of the petitioner and learned Additional Public Prosecutor
for the State.

2. The petitioner apprehends his arrest in connection
with G.R. No. 553 of 2019 arising out of Andramath P.S. Case
No. 69 of 2019, registered for the offences punishable under
Sections 341, 323, 324, 307, 337, 379, 504, 34 of the Indian
Penal Code.

3. Allegedly in course of measurement of the land
conducted by the Amin in the process of partition, all the FIR
named accused persons started abusing and assaulting the
informant and when the father of the informant protested, the
petitioner assaulted him by means of iron rod over his head.
Further allegation has been levelled against other co-accused



persons of assault and snatching of valuables.

4. Learned counsel appearing on behalf of the petitioner submits that both the parties are agnates and admittedly there was a dispute with regard to partition due to which a free fight has taken place resulting into case and counter case bearing Andramath P.S. Case No. 70 of 2019 filed by the wife of the younger brother of the petitioner on the same day. He further drew the attention of the Court to the injury report which *prima facie* suggests that all the injuries are simple in nature. He next submitted that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the specific allegation has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the simple nature of injuries and the counter version of the present case, coupled with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Jhanjharpur in connection with G.R. No. 553 of 2019 arising out of Andramath P.S. Case No. 69 of 2019, 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 petitioner.

(Harish Kumar, J)

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