

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59584 of 2023

Arising Out of PS. Case No.-103 Year-2023 Thana- JALALGARH District- Purnia

1. MD. MUJAMMIL Son of Md. Mumtaz
2. Md. Mumtaz @ Mumtaz Alam @ Mumtaz Son of Late Abdul Jalil @ Md. Jalil
3. Md. Nesar @ Abu Nesar Son of Md. Mumtaz
4. Lushy Khatoon @ Kahkashan D/o Md. Mumtaz
5. Bibi Noushri @ Noushri W/o Md. Mumtaz
all are resident of village- Girda, P.S. Jalagarh, District- Purnea
6. Ezaz @ Ezaz Alam @ Md. Ejaz Alam, Son of Late Aiyub, R/o vill -
Rahriya, P.S. - Jalalgarh, Districtt. - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pqankaj Kumar Sinha, Advocate
		Mr. Md. Hussain, Advocate
For the State	:	Mr. Binod Kumar No.3, APP
For the Informant	:	Mr. Manish Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 11-10-2023 1. Heard learned counsel for the petitioners, learned
counsel for the informant and the learned APP for the State.
2. The petitioners apprehend their arrest in
connection with Jalalgarh P.S. Case No. 103 of 2023 dated
10.06.2023 registered for the offence(s) punishable under
Section(s) 147, 148, 149, 341, 323, 324, 307, 379, 354, 504 and
506 of the Indian Penal Code.
3. The main submissions advanced by learned counsel
for the petitioners are that there is case and counter case in



between both the parties and at the time of alleged occurrence a dispute on account of passage of water arose in between both the parties which led to the commission of alleged occurrence and the main allegation of having assaulted on the head of the informant's wife by means of *farsa* is against petitioner no. 1, Md. Mujammil and the alleged occurrence was not pre-planned and petitioner no. 2 and informant of the present case are full brothers.

4. Learned counsel for the informant as well as learned APP for the State has vehemently opposed the bail prayer of the petitioners and submitted that the informant's wife sustained grievous injury on vital part of her body and the counter case on behalf of petitioners' side was lodged in order to save their skin or liability from of the petitioner's case.

5. Considering the nature of allegation appearing against the petitioner nos. 2 to 6 as well as the genesis of the occurrence and also, taking into account the fair and clean antecedent of the said petitioners, this court is inclined to accept their anticipatory bail prayer, Accordingly, **let the petitioner nos. 2 to 6, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail** in connection with Jalalgarh



P.S. Case No. 103 of 2023 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. So far as the prayer of petitioner no.1 is concerned as there is serious allegation against him and he allegedly inflicted a farsa blow at the head of the informant's wife whose injury has been discussed in the order impugned and the same is corroborative to the allegation appearing against this petitioner in my opinion, the **petitioner no.1 (Md. Mujammil) does not deserves to anticipatory bail. Accordingly, his prayer stands rejected.**

(Shailendra Singh, J)

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