

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62361 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- SHRI NAGAR District- Madhepura

1. Md. Nehal Ahmad @ MD. NEHAL Son of Shamse Alam @ Samse Alam Resident of village - Moharrampur, Baghaili, P.S. - Jadia, District - Supaul.
2. Margub Alam @ Md. Marghub Alam Son of Shamse Alam @ Samse Alam Resident of village - Moharrampur, Baghaili, P.S. - Jadia, District - Supaul.
3. Mahboob Alam Son of Shamse Alam @ Samse Alam Resident of village - Moharrampur, Baghaili, P.S. - Jadia, District - Supaul.
4. Md. Mahafix @ Md. Mohafiz Son of Shamse Alam @ Samse Alam Resident of village - Moharrampur, Baghaili, P.S. - Jadia, District - Supaul.
5. Samse Alam @ Md. Shamse Alam @ Shamse Alam Son of Late Fasiur Rahman Resident of village - Moharrampur, Baghaili, P.S. - Jadia, District - Supaul.
6. Arshe Alam @ Arro Alam Son of Late Fasiur Rahman Resident of village - Moharrampur, Baghaili, P.S. - Jadia, District - Supaul.
7. Md. Zeyauddin @ Ziyauddin Son of Late Iliyas @ Md. Iliyas Resident of village - Moharrampur, Baghaili, P.S. - Jadia, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2023 Heard Mr. Ram Pravesh Nath Tiwari, learned Counsel

appearing on behalf of the petitioner and Mr. Awadhesh Kumar

Singh, learned A.P.P. appearing on behalf of the State.

2. The petitioners seek pre-arrest bail in connection
with Srinagar P.S. Case No. 63 of 2022 punishable under
Section 341, 323, 324, 325, 354B, 379, 384, 385, 427, 504, 506
& 34 of Indian Penal Code.



3. The prosecution story, in brief, is that the accused persons named in the F.I.R forcibly tried to grab the land of the informant, which was resisted by the informant side and, thereafter, they engaged in fierce fight in which it is alleged that the informant, who is the eyewitness of the occurrence, has alleged that all the accused persons including the petitioners had assaulted her son and husband and they also molested her daughter-in-law.

4. Learned counsel appearing on behalf of the petitioners submits that occurrence took place due to land dispute and both the parties claimed title over the same land however, title partition is pending against the parties which has been filed by the informant. On the alleged date of occurrence, both the parties entered into fierce fight in which petitioners above named in their self-defense may have caused certain injury on the informant side. The specific allegation against, the petitioners no. 1 and 6 is that they had molested the daughter-in-law of the informant, the petitioner no. 2 and 7 have assaulted the husband and son of the informant with iron rod which injured the leg of the son of the informant, but no specific injury has been alleged in the F.I.R. with respect to the injury sustained by the husband of the informant. Petitioners no. 2 and 5 have



assaulted Md. Nafis, who is son of the informant.

5. Learned A.P.P. appearing on behalf of the State submits that from the impugned order also the said fact is clear that the petitioner no.2 has assaulted the husband as well as son of the informant.

6. Having considered the rival submission made by the parties, I found that there is specific allegation against the petitioner no.2 who has assaulted the son of the informant as well as husband of the informant with iron rod and both the them sustained injury on different parts of the body. So far as the petitioners no. 1 and 6 are concerned the specific allegation against them is of molesting the daughter-in-law of the informant and petitioners No. 7 had assaulted the husband of the informant but no specific allegation has been made with respect to the injury sustained by the husband of the informant prima facie the petitioners no. 1, 3, 4, 5, 6 and 7 have made out a case to be released on pre-arrest bail.

7. Let the petitioners no. 1, 3, 4, 5, 6 and 7 are directed to be released on pre-arrest bail in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand Only) each with two sureties of the like



amount each, to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No. 63 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The petitioner no.1 namely, Md Nehal Ahmad @Md. Nehal and petitioner no.6 namely, Arshe Alam @Arro Alam are directed to furnish personal bond in addition to the above condition. The amount is required to be fixed by the Court below.

9. So far as the petitioner No.2 namely Margub Alam @ Md. Marghub Alam is concerned, considering the nature of allegation against him, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. Accordingly, the prayer for release the petitioner no.2 namely, Margub Alam @ Md. Marghub Alam is hereby **rejected**.

(Purnendu Singh, J)

Manish/-
Nilmani/-

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