

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73003 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- AMDABAD District- Katihar

1. Sk. Saddam Husaain @ Sk Saddam S/O Late Sk. Faijuddin R/O Paharpur, P.S- Amdabad, District-Katihar
2. SK. Inteshar S/O Late Sk. Faijuddin R/O Paharpur, P.S- Amdabad, District-Katihar
3. Sk. Farish S/O Late Sk. Faijuddin R/O Paharpur, P.S- Amdabad, District-Katihar
4. Bibi Rezy W/O Sk. Inteshar R/O Paharpur, P.S- Amdabad, District-Katihar
5. Sk. Suraj @ Suraj S/O Sk. Jakir R/O Village- Channi, P.S- Paharpur, District- Katihar
6. Bibi Julkha W/O Md. Jakir R/O Village- Channi, P.S- Paharpur, District-Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Sweta Raj, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Amdabad P.S. Case No. 65 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 427, 504, 506/34 of the Indian Penal Code. Petitioners have no criminal antecedent.

Learned counsel for the petitioner submits that a scuffle took place between the parties on account of a land dispute. It is alleged that Sk. Saddam (petitioner no. 1) assaulted



the informant on head with a spade and Sk. Inteshar (petitioner no. 2) assaulted daughter of the informant with hasua on her head and all the petitioners assaulted the informants' side with hand and fists blow.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is case and counter case arising out of a land dispute and both the sides have suffered injury.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it seems a case of land dispute, there is a counter case lodged by petitioner no. 2 which is prior in time and both the sides are said to have suffered injury, this Court directs that the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today shall be released on bail in connection with Amdabad P.S. Case No. 65 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Katihar, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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