

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68881 of 2023

Arising Out of PS. Case No.-221 Year-2018 Thana- NAANPUR District- Sitamarhi

MD. MOHISSAR @ SAIFUL ISLAM son of Md. Ali @ Md. Ali Hashmi
Village- Shariffpur PS- Nanpur Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Dr. Indivar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 01-11-2023 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Nanpur PS case no. 221 of 2018, disclosing offences punishable under Section 354 and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that the petitioner along with other accused persons arrived at the door of the informant, surrounded him and one co-accused Md. Modabbir inflicted Dabia blow on the head of the informant causing head injury.
4. Learned Counsel for the petitioner submits that both the parties are co-villagers and previous land dispute is existing between them. It is further submitted that the only



allegation against the petitioner is that he surrounded the informant and there is no allegation of assault on the part of the petitioner. It is next submitted by referring to Annexure-4 to the present petition that case and counter case is existing between the parties and a case bearing Nanpur PS case no. 220 of 2018 has been lodged by petitioner's side, which is annexed as Annexure-2. It is also submitted that injury sustained by the informant is simple in nature, as is evident from Annexure-3 i.e. the injury report.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that no allegation of assault is upon the petitioner, case and counter case is existing between the parties, injury sustained by the informant is simple in nature and moreover, similarly situated co-accused person has already been granted anticipatory bail by a co-ordinate Bench of this Court, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Nanpur PS case no. 221 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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