

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66950 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- CHHATAPUR District- Supaul

1. Md. Arif @ Md. Arif Beg, Son of Md. Habiur, R/O Indarpur, Ward No.12, P.S. - Chhatapur, Distt. - Supaul
2. Md. Asif @ Md. Asif Beg, Son of Md. Habibul Rahman, R/o Indarpur, ward no.12, P.S. - Chhatapur, Distt. - Supaul
3. Md. Khalid @ Md. Khalik, Son of Habibur Rahman, R/o Nanderpur, P.S. - Chhatarpur, Dist. - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Patla Kumari, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mrs. Patla Kumari, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Chhatapur P.S. Case No. 70 of 2023 registered for the offences punishable under Sections 341, 323, 324, 325, 354, 308, 379, 504 and 506/34 of the Indian Penal Code.

3. On account of a dispute in relation to uprooting of Bamboo pole erected behind the house of the informant, when protest was made by the informant's son, all the accused persons, including the petitioners, started abusing. It is further alleged that co-accused Md. Sohrab assaulted the son of the



informant over his neck by means of Iron rod, due to which he sustained serious injuries. In the meanwhile, when the informant's daughter-in-law came to his rescue, then co-accused Habibur Rahman caught her and intentionally misbehaved in order to disrobe her. Co-accused Habibur Rahman also assaulted her by means of sword, due to which she sustained grievous injury. It is also alleged that co-accused Md. Atik assaulted the grand son of the informant over his head by means of *Farsa*.

4. It is submitted on behalf of the petitioners that from the narration made in the F.I.R., it is evident that there is no specific allegation against these petitioners, who are before this Court, save and except the allegation of abusing. He further submits that the petitioners and the informant are the next door neighbour and on account of land dispute, a free fight took place, resulting into injuries to the persons of both sides. She next submits that all the petitioners have got fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioners have actively participated in the crime, in question.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation, coupled with the fair antecedent and the genesis of the occurrence, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul in connection with Chhatapur P.S. Case No. 70 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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