

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69811 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- TERHAGACHH District- Kishanganj

1. Babul @ Babul Anzar S/O Late Akhter Hussain Resident Of Village-Mushahra, Ward No. 05, P.S.-Terhagachh, District Kishanganj
2. Sadique Alam @ Sadik Alam S/O Late Akhter Hussain Resident Of Village-Mushahra, Ward No. 05, P.S.-Terhagachh, District Kishanganj
3. Talib @ Md. Talib Hussain S/O Late Akhter Hussain Resident Of Village-Mushahra, Ward No. 05, P.S.-Terhagachh, District Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Ravindra Kumar Tiwari, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Terhagachh P.S. Case No. 48 of 2023, registered for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 354, 504 and 506 of the Indian Penal Code.

3. Allegedly, while the informant was cleaning the debris from the house that was fallen due to storm, in the meantime, all the FIR named accused persons variously armed with weapons came there and started assaulting the informant. It is further alleged that when the brother of the informant came to



his rescue, the accused persons also assaulted him due to which both have sustained serious injuries. Further allegation has been levelled that the accused persons also assaulted the wife and mother of the informant and behaved indecently.

4. Learned counsel appearing on behalf of the petitioners submits that admittedly the alleged occurrence took place on 30.06.2023, but the present FIR has been instituted after a delay of more than four days i.e. on 04.07.2023. That apart, the present case is nothing but a counter blast of Terhagachh P.S. Case No. 47 of 2023, instituted on the earlier point of time against the informant and others. He next submits that even as per the allegation made in the FIR no specific allegation has been levelled, moreover, parties are close agnates and only because of a land dispute, some scuffle took place, wherein, the persons of both the sides have sustained injuries. The counsel for the petitioners lastly submits that all the petitioners bear fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that one of the injured has sustained serious injuries, as is evident from the



impugned order.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the delay in lodging of the FIR, coupled with the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Kishanganj in connection with Terhagachh P.S. Case No. 48 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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