

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74258 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- BARSOI District- Katihar

1. MD. UMRU SON OF MD. BUDHU RESIDENT OF VILLAGE-BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT- KATIHAR
2. MD. AARIF SON OF MD. MAJNU RESIDENT OF VILLAGE-BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT- KATIHAR
3. MD. GHOTLA SON OF LATE DABIRUDDIN RESIDENT OF VILLAGE-BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT- KATIHAR
4. ASEFA KHATOON WIFE OF LATE MD. SONUWA RESIDENT OF VILLAGE- BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT-KATIHAR
5. AANO KHATOON WIFE OF MD. AARIF RESIDENT OF VILLAGE-BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT- KATIHAR
6. SOLODA KHATOON WIFE OF MD. BUDHU RESIDENT OF VILLAGE-BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT- KATIHAR
7. ASATUN KHATOON WIFE OF MD. MD.PIYARU RESIDENT OF VILLAGE- BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT-KATIHAR
8. ANJELA KHATOON WIFE OF MD. ASHRAF ALI RESIDENT OF VILLAGE- BASKOTA GOVINDPUR, P.S. BARSOI, DISTRICT-KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023 1. Learned counsel for the petitioners at the outset submits that the petitioner nos. 6 & 7 have been arrested. As such, he seeks permission to withdraw this anticipatory bail application in respect of the petitioner nos. 6 & 7.
2. Permission is granted.
3. The application stands dismissed as withdrawn in



relation to the petitioner nos. 6 & 7.

4. The remaining petitioner nos. 1 to 5 & 8 apprehends their arrest in connection with Barsoi PS Case No. 255 / 2023 dated 04-08-2023 registered under Section 341 / 323 / 324 / 379 / 307 / 506 / 34 of the I.P.C.

5. As per the First Information Report on 03.08.2023 in the afternoon due to old land dispute the accused persons, total eleven in number, armed with lathi, danda, sword etc. came at the land of the informant and the co-accused / Md. Hasim and Md. Ashraf armed with sword assaulted the informant and when the informant's wife intervened in order to save him, the accused persons assaulted her in stomach due to which her seven months pregnancy got aborted and other accused persons assaulted by lathi and also snatched nose pin and jewellery of informant's mother- in- law.

6. Learned counsel for the petitioners submits that entire family member has been made accused due to land dispute which would be evident from the F.I.R. itself. Learned counsel further submits that Title Suit bearing Title Suit No. 1 / 2023 is pending before the court of Munsif, Barsoi, district – Katihar between the parties. He further submits that specific allegation of assault is upon the co-accused Md. Hasim and Md.



Ashraf due to which informant has sustained grievous injury. The allegation against the petitioners is general and omnibus in nature and injury caused to wife of the informant is simple in nature.

7. Regard being had to the submission made by the parties, taking into consideration the fact that allegation against the petitioners is general and omnibus in nature, the wife of the informant has sustained simple injury and there was previous land dispute between the parties, as such, I am inclined to grant anticipatory bail to the petitioner nos. 1 to 5 & 8.

8. Let the petitioner nos. 1 to 5 & 8, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. 1st Katihar in connection with Barsoi P.S. Case No. 255 / 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

praful/-

(Anil Kumar Sinha, J)

U		T	
---	--	---	--

