

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76129 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- AAJAM NAGAR District- Katihar

1. Subodh Kumar Das Son of Suren Das Resident of Village - Mukuriya, P.S.- Azamnagar, district- Katihar.
2. Pramod Kumar Das Son of Suren Das Resident of Village - Mukuriya, P.S.- Azamnagar, district- Katihar.
3. Suren Das Son of Late Khageshwar Das Resident of Village - Mukuriya, P.S.- Azamnagar, district- Katihar.
4. Rupo Devi Wife of Suren Das Resident of Village - Mukuriya, P.S.- Azamnagar, district- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Md. Musowir, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Azamnagar (Salmari O.P.) P.S. Case No. 117 of 2023, registered for the offences punishable under Sections 341, 323, 325, 308, 379, 354(B) and 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is of forceful unauthorized construction of toilet over the Government land



and also assaulting the informant and snatching valuables.

4. It is submitted on behalf of the petitioners that there are general and omnibus allegation against all the accused persons including the petitioners. The occurrence as alleged in the FIR took place on 28.03.2023, whereas, the present FIR has been instituted on 04.04.2023. He further submits that the present case is nothing but a counter blast to Azamnagar (Salmari O.P.) P.S. Case No. 116 of 2023, the copy of which is marked as Annexure - 2 to the petition. Further submission has been made that there is a *bona fide* land dispute pending between the parties and the documents have been brought on record, showing the petitioner and other accused persons are coming in the peaceful possession over the land, in question. He next submits that so far the injury sustained to the informant's brother is concerned, though one of the injury is found to be grievous in nature but that is not on vital part. He lastly submits that the petitioners are persons of fair antecedent and they undertake that they will not indulge in such type of activities in future.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the informant was brutally assaulted by the petitioners.



6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the case and counter case, apart from the *bona fide* land dispute, 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 Chief Judicial Magistrate, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 117 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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