

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72992 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- ABADPUR District- Katihar

1. HABIBULLAH @ HABIBULLA @ HABIBUL SON OF HAZARI @ MD. HAZARI RESIDENT OF VILLAGE - MALTIPUR, POLICE STATION - ABADPUR, DISTRICT - KATIHAR
2. MD. IMRAN @ IMRAN SON OF LATE MD. SAFIK RESIDENT OF VILLAGE - MALTIPUR, POLICE STATION - ABADPUR, DISTRICT - KATIHAR
3. MD. NAYAZ @ MD. NAMAZ @ SAHNAMAJ @ NAMAZ SON OF MD. IMRAN RESIDENT OF VILLAGE - MALTIPUR, POLICE STATION - ABADPUR, DISTRICT - KATIHAR
4. MD. AKHTER SON OF LATE SAFIKUL RESIDENT OF VILLAGE - MALTIPUR, POLICE STATION - ABADPUR, DISTRICT - KATIHAR
5. SAJAN @ MOHAMMED SAJAN @ SAJEN SON OF MOHAMMED AKHTAR RESIDENT OF VILLAGE - MALTIPUR, POLICE STATION - ABADPUR, DISTRICT - KATIHAR
6. MD. HAJARI @ MD. HAZARI Son of Late Safim RESIDENT OF VILLAGE - MALTIPUR, POLICE STATION - ABADPUR, DISTRICT - KATIHAR
7. SANATUN NISHA @ SANATUN NIHA @ SULTUN @ SALATUN DAUGHTER OF HAZARI, WIFE OF NAJIR AHMAD RESIDENT OF VILLAGE - VISHNUPUR, P.S. - BARSOI, DISTRICT - KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Md. Helal Ahmad
For the Opposite Party/s :	Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in
connection with Abadpur P.S. Case No. 127 of 2023 registered
for the offences punishable under Sections 341, 323, 324, 307,



354, 379, 504, 406 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioners and others are said to have attacked informant family with an intention to kill them. It is alleged that co-accused Saddam assaulted informant's nephew upon his head by the means of knife as a result of which he sustained injury. It is claimed by informant that the co-accused side wanted to seize the land of the informant as a result of which the said occurrence took place.

4. Learned counsel for the petitioners submits that there is case and counter case between both the parties on the same date of occurrence. In this way, the F.I.R. is in question that the other version of incident has not been covered in the present F.I.R. It has been submitted that there is land dispute between both the parties and in the cases of land dispute, facts are generally exaggerated to frame the allegation against the persons who were associated with bona fide land dispute. He further submits that the F.I.R. has been lodged after the delay of three days without any proper explanation. He further submits that the specific allegation of assaulting informant's nephew/Rashid is attributed against the co-accused Md. Saddam. He further submits that injury report indicates that there is only one injury on the injured Rashid which is grievous



in nature, caused by sharp cutting object and the injury of another injured person Md. Istarul who sustained four injuries, are simple in nature which are caused by hard and blunt substance. In this way, none of the allegation is specifically attributed against the present petitioners rather the allegation against the them are general and omnibus in nature. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Katihar in connection with Abadpur P.S. Case No. 127 of 2023, subject to the conditions as laid down under Section 438(2) of the



Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

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

