

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70818 of 2022

Arising Out of PS. Case No.-284 Year-2021 Thana- CHHATAUNI District- East Champaran

PHUL KASAI @ MD. PHOOL Son of Mohammad Murtuza @ Murtuza
Resident of Mohalla- Khoda Nagar, Ward no. 14, P.O- Motihari, P.S-
Chhatauni, Dist- East Champaran Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr.Pravin Kumar, Advocate

For the Opposite Party : Mr.Shailendra Kr Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-03-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 307/504/379 and other ancillary sections of the Indian Penal Code.

Prosecution case is that the petitioner and other accused persons were raising boundary wall on the land of the informant and on protest, they assaulted him. Accused persons also snatched gold chain and cash Rs.25,000/- from the informant.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. There is land dispute between the parties and the injury report does not support the prosecution case, as per FIR eight persons assaulted the informant and his nephew with lathi, danda, daggar etc. but they sustained only two injuries. Besides



this, there is general and omnibus allegation against the petitioner and no specific overt act has been alleged against him. Similarly situated co-accused have already been allowed bail by this Court vide Annexure 3.

Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in Chhatauni Police Station Case No. 284 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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