

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76197 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- JALALGARH District- Purnia

1. Md. Wajuddin Son Of Mahfujuddin @ Raful Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
2. Md. Ramza @ Mojahid, Son Of Sheikh Badruddin Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
3. Md. Jamshed @ Jamashed, Son Of Naushad @ Badruddin Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
4. Badruddin Son Of Late Md. Mahfuzuddin @ Raful Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
5. Isha @ Md. Isha Son Of Md. Wazuddin, Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
6. Subera Khatoon Wife Of Md. Wazuddin Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
7. Hushani Khatoon, Daughter Of Md. Wazuddin, Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
8. Shabana Khatoon, Daughter Of Md. Wazuddin Resident Of Village - Piperpati Nahartola, PS- Jalalgarh, Distt- Purnea
9. Rubi@ Sabna Wife of Narul Resident of Village – Begampur, P.S. Jalalgarh, district-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Singh, Adv.
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Mr. Dharendra Singh, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Jalalgarh P.S. Case No. 135 of 2023 registered for the
offences punishable under Sections 341, 323, 325, 354, 379,



427, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, on account of a trifle relating to grazing of goat and the destruction of paddy crops, all the petitioners and others came into the courtyard of the informant armed with deadly weapons and started abusing and sabotaging his household goods. On protest being made, all the accused persons started assaulting the informant and his family members. It is specifically alleged that petitioner no.2 assaulted the informant's son, Tasim on his leg due to which he sustained fracture injury. There is further allegation of snatching of valuables and assault against all.

4. Learned counsel for the petitioners submits that from the FIR, it is evident that there is general and omnibus allegation against all the petitioners. So far the petitioner no.2 is concerned against whom there is allegation of assault over the son of the informant is concerned, the injury sustained to him is below the knee. Moreover, the FIR has not been instituted under Section 307 of the Indian Penal Code. Barring Sections 379 and 354 of the Indian Penal Code, all the offences are bailable. He further submits that though the occurrence took place on 20.07.2023 but the FIR has been instituted after the delay of three days on 23.07.2023 without there being any explanation



for causing such delay. He next submits that both the parties are next door neighbour and, in fact, on account of a petty dispute, the scuffle took place between them leading to the injuries to persons of both the sides. However, all the injuries sustained to the persons of both the sides have been found to be simple in nature except one inflicted below the knee of the informant's son, which is definitely not on the vital part of his body. He lastly submits that the petitioners bear fair antecedent and they undertake that they will not indulge in such type of activity and will cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that all the petitioners brutally assaulted the informant and his family members.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation except one against petitioner no.2, coupled with the delay in lodging of the FIR and the nature of injury, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of learned C.J.M., Purnia in connection with Jalalgarh P.S. Case No. 135 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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