

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72641 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- PATAHI District- East Champaran

1. MD. FAHIMUL HAQUE Son of Late Sheikh Jabir R/V- Khoripakar, P.S- Patahi, Dist- East champaran
2. Md. Junub @ Junau Son of Md. Samiullah R/V- Khoripakar, P.S- Patahi, Dist- East champaran
3. Md. Samal Son of Md. Samiullah R/V- Khoripakar, P.S- Patahi, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan,Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehends their arrest in connection with Patahi P.S. Case No. 99 of 2021 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307 and 379 of the Indian Penal Code.

The allegation is regarding the accused persons having gone to the house of the informant, whereafter they are alleged to have assaulted the informant and his family members resulting in them sustaining injuries. As far as the petitioners



are concerned, they are also alleged to have assaulted the wife of the informant and his daughter and other persons.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the injury report of the injured persons would show that the injuries sustained by them are simple in nature. It is also submitted that a general and omnibus allegation has been levelled against the accused persons of having assaulted the members of prosecution side. Lastly, it is submitted that the present case arises out of case and counter case and the dispute in question has arisen on account of land dispute inasmuch as the informant wants to grab the land of the petitioners.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners of assaulting the members of the prosecution side, apart from the fact that the injuries sustained by the injured persons have been found to be simple in nature and the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Patahi P.S. Case No. 99 of 2021, subject to the



conditions as stipulated under Section 438(2) of
the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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