

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73355 of 2023

Arising Out of PS. Case No.-100 Year-2023 Thana- BENIPATTI District- Madhubani

MD. FARUKH @ MD. FARUKHA S/O- ABDUL WADOOD R/O-
VILLAGE- BEHTA, P.S.- BENIPATTI, DIST.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shailendra Kumar Jha, Adv.
For the Opposite Party/s :	Mr.Umesh Lal Verma, APP.
	Mr. Rana Bhupendra Nr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-12-2023 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 448, 341, 323, 307, 354, 354(B), 379, 504/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that, when the informant was sitting at her door, all the accused persons including the petitioner came there and started abusing. On protest, all the accused persons started fighting and co-accused Md. Ekbal @ Munna dragged her hair and pushed her and tore her blouse and *sari*. Petitioner and co-accused Md. Neyaz assaulted the informant brutally. Hearing the alarm, when the informant's husband came to save her, they assaulted the informant's husband with iron rod on his head. They also looted



articles from her house.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is case and counter case between the parties. Both sides have sustained injuries. The injury of the informant is found simple in nature. It is further submitted that from perusal of record, it is clear that both petitioner and co-accused Md. Neyaz assaulted the informant's husband due to which he sustained grievous injury on his head, but it cannot be said that by whom the alleged injury was caused. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the prayer for regular bail of co-accused Md. Neyaz was rejected by a co-ordinate Bench of this Court. They further submitted that the injury caused by petitioner to the informant's husband is found grievous in nature, therefore, petitioner does



not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as from perusal of record, it is clear that there is general and omnibus allegation against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Benipatti P.S. Case No. 100 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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