

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6578 of 2024

Arising Out of PS. Case No.-531 Year-2023 Thana- KRITYANAND NAGAR District-
Purnia

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1. Md. Israil @ Israel SON OF MD. MOLTU RESIDENT OF VILLAGE-
CHOTI BAIGNA WARD NO. 04, PS- K. NAGAR (MARANGA), DIST-
PURNEA
 2. JALISA @ JALIKHA KHATOON WIFE OF MD. ISRAIL @ ISRAEL
RESIDENT OF VILLAGE- CHOTI BAIGNA WARD NO. 04, PS- K.
NAGAR (MARANGA), DIST- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussain, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-04-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with K. Nagar (Maranga) P.S. Case No. 531 of 2023 instituted under Section 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code lodged on 15.9.2023 by the informant, Md. Ishrafil.

3. As per the prosecution story, the informant alleged that when there was marriage in his family and the 'Barat' was to come, the accused persons started placing iron rods at the door of the informant house. Upon opposition, the allegation against this petitioner is of hitting on the forehead with 'khanti' while



Md. Rizwan gave blow with the iron rod on the hand. This led to fracture in the hand. Further allegation against petitioner no2, the lady is of assaulting wife of the informant. As the villagers came and the injured were taken to G.M.C.H, Purnea while undergoing treatment, the FIR.

4. Learned counsel for the petitioners submit that so far as the injury caused by the Md. Rizwan is concerned, due to fracture, the same has been found to be grievous. Regarding this petitioner no.1, though allegation is of injury on the head, the same has been found to be simple in nature. Further, so far as the lady is concerned, allegation of assault is there but no injury has been found to be on the person of the informant.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 10000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer stating that though injury has been found to be simple in nature, it indeed have been found on the person of the informant.

6. Considering the fact that the injury has been found



to be simple in nature, there has been land dispute, the petitioners do not have criminal antecedent, main allegation is against Md. Rizwan of causing fracture, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs.10,000/- as undertaken by the learned counsel for the petitioner(s) to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with K. Nagar (Maranga) P.S. Case No. 531 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Purnea subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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