

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6776 of 2024

Arising Out of PS. Case No.-68 Year-2023 Thana- GHOGHARDIHA District- Madhubani

1. Md. Majebul @ Mujahibul @ Muzahibuur Son of Islam Resident of Village --Nawa Bakhar, P.S.- Ghoghardiha, Distt.- Madhubani
2. Md. Sabir @ Sabir Son Of Islam Resident of Village --Nawa Bakhar, P.S.- Ghoghardiha, Distt.- Madhubani
3. Md. Irfan @ Irfan Son Of Mukhtar Resident of Village --Nawa Bakhar, P.S.- Ghoghardiha, Distt.- Madhubani
4. Md. Jabir @ Jabir Son Of Islam Resident of Village --Nawa Bakhar, P.S.- Ghoghardiha, Distt.- Madhubani
5. Sahjaha Khatoon Wife Of Tajmul Resident of Village --Nawa Bakhar, P.S.- Ghoghardiha, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Anant Kumar I, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Ghoghardiha P.S. Case No. 68 of 2023, registered on 28.04.2023 for the offences under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the informant and his family



members with Khanti, Lathi and Spade causing a number of injuries to the victims. The occurrence took place in the background of some land dispute.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is counter version of the present case which was lodged by co-accused Md. Tajmul against the informant of this case and his other family members and a number of persons from the petitioners side received serious injuries. Learned counsel further submits that the injury reports of informant side do not show any serious injury and the injuries are mostly laceration, abrasion and bruise. Background is admitted in the FIR itself and the informant tried to dispossess the petitioners from their ancestral property with the help of anti social persons. When it was resisted by the petitioners, they were brutally assaulted. There is general and omnibus allegation against the petitioners and from the injury sustained by the victims there appears no case of attempted murder and hence, incorporation of Section 307 of the IPC is wrong. No sharp cut injuries have been found on any of the victims and it falsifies the prosecution story of assaulting the victims by sharp cut weapons. The petitioners are having criminal antecedent of one



case and they are on bail.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and omnibus allegation with superficial and non-serious injury of the victims and also the background the land dispute and case and counter case between the parties, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Jhanjharpur, Madhubani/concerned court in connection with Ghoghardiha P.S. Case No. 68 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

