

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15943 of 2024

Arising Out of PS. Case No.-413 Year-2022 Thana- UJIYARPUR District- Samastipur

1. Md. Jalauddin @ Md. Jalaluddin, Son of Md. Hamid, Resident of Village-
Purvi Pataili, War no.-07, P.S.- Ujiyarpur, District- Samastipur.
2. Md. Salauddin, Son of Md. Hamid, Resident of Village- Purvi Pataili, War
no.-07, P.S.-Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-03-2024 Heard Mr. Deepak Kumar Singh, learned counsel

appearing on behalf of the petitioners and the learned APP for

the State.

2. The petitioners are apprehending their arrest in
connection with Ujiyarpur P.S. Case No. 413 of 2022 registered
for the offences punishable under Sections 147, 148, 149, 449,
341, 323, 354(B), 379, 307, 504, 506 of the Indian Penal Code.

3. Allegedly while a ceremony was going on in the
family, the petitioner no.1 came there in intoxicated state and
started making nuisance. On protest being made, the petitioner
assaulted the informant by poking an Iron rod in his left eye,
due to which he received serious injury. It is further alleged that



petitioner no.2 also caught hold the wife of the informant and behaved indecently. There is also allegation of snatching of valuables.

4. It is submitted on behalf of the petitioners that the informant and the petitioners are the own brothers and admittedly there is a land dispute, giving rise to Partition Suit No. 58 of 2023, moreover the alleged occurrence took place on 29.08.2022 and the present complaint has been filed on 17.11.2022, which was later on sent to the concerned police station under Section 156(3) of the Cr.P.C. and the F.I.R. has been instituted on 12.12.2022. Learned counsel further drew the attention of this Court to the Medical certificate issued in favour of the informant showing that he suffers 46% of blindness, for which certificate was issued by the Sadar Hospital, Samastipur in the year 2016 itself. Thus the allegation of penetrating iron rod in the eye of the informant also get falsified. Further, prior to the present case, there had already been Ujiarpur P.S. Case No. 10 of 2023, instituted by co-accused Sahana Begam. He lastly submits that the petitioners have got fair antecedent and they undertake that they will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State



opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the considerable delay in lodging of the F.I.R. and the genesis of the occurrence, coupled with the fair antecedent of the petitioners and the relationship of the petitioners with the informant, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dalsinghsarai, Samastipur in connection with Ujiyarpur P.S. Case No. 413 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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