

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17573 of 2024**

Arising Out of PS. Case No.-440 Year-2023 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

Md. Subhan, Male, aged about 55 yrs., son of Late Md. Salim, resident of
village Dhurlakh, P.S Samastipur Muffasil, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-03-2024 Heard Mr. Rajeev Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ram Sevak Choudhary,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Samastipur Muffasil P.S. Case No. 440 of 2023, registered
for the offence punishable under Sections 447, 341, 323, 324,
354, 307 and 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, all the
accused persons including the petitioner had assaulted the
informant for not disclosing the whereabouts of one Akhtar.
Specific allegation against the petitioner is that he had assaulted
one Md. Mohsin on his nose by means of sharp weapon.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and have falsely been implicated in the present case. He further submitted that from the injury report it would appear that injury sustained by the victim Md. Mohsin is grievous in nature, however, it is not on the vital part of the body. The petitioner and informant are agnate and there is long standing land dispute between the parties and in this regard, specific statement has been made in paragraph no. 9 of the bail application that there is a case pending in the Court of S.D.M., Samastipur, under Section 144 of the Code of Criminal Procedure between the parties with respect to the land dispute. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, from the injury report it would appear that injury sustained by the victim Md. Mohsin is grievous in nature on his nose. The petitioner and informant are agnate and there is long standing land dispute between the parties and in this regard, specific statement has been made in paragraph no. 9 of the bail application that there is a case pending in the Court of S.D.M., Samastipur, under Section 144 of the Code of



Criminal Procedure between the parties with respect to the land dispute. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the Court below within a period of four 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 learned A.C.J.M., Samastipur, in connection with Samastipur Muffasil P.S. Case No. 440 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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