

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24957 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- MANIHARI District- Katihar

Md Jawed @ Jawed Son of Shekh Alauddin Resident of Village- Madarsa
Tola, Ward No. 9, Boulia, P.S.- Manihari, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 25113 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- MANIHARI District- Katihar

Md. Faruk @ Farouque @ Farook S/O Shekh Sahmad R/O Village- Madarsa
Tola, Ward No. 9, Boulia, P.S- Manihari, Distt.- Katihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26574 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- MANIHARI District- Katihar

Md. Ramjan Ali S/o- Nurul @ Md. Noor R/o- Village- Islam Nagar, Boulia,
PS- Manihari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24957 of 2024)
For the Petitioner/s : Mr.Bimal Kumar, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP
(In CRIMINAL MISCELLANEOUS No. 25113 of 2024)
For the Petitioner/s : Mr.Bimal Kumar, Adv.
For the Opposite Party/s : Mr.Madhura Nand Jha, APP
(In CRIMINAL MISCELLANEOUS No. 26574 of 2024)
For the Petitioner/s : Mr.Bimal Kumar, Adv.
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-05-2024 Heard learned Counsel for the petitioners, learned
APP for the State and learned counsel for the informant.



2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection Manihari P. S. Case No.207 of 2023 with under Sections 341, 323, 324, 307, 302, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 9 named accused persons including the petitioners against whom there are allegation that they have called the informant's husband for *Panchayati* of land dispute. During the period of *Panchayati*, they attacked upon the husband, brother-in-law(Bhaisur) and nephew of the informant. The specific allegation against one Babar, son of Md. Samshad, Babar son of Late Maimul to caught the informant's husband and allegation against Md. Ansar to attack on the chest of informant's husband due to which he injured and during treatment, doctor declared him dead. It has also alleged that during scuffling, the brother-in-law(Bhaisur) and nephew, namely, Sahjaha were also injured.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that from the contents of F.I.R., it is very much clear that land dispute were in existence between the informant and Md. Ansar. He further submits that there is nothing specific in the F.I.R. against the present petitioners. He also submits that



there is no act and overt act against the petitioners.

5. Counsel further submits that petitioners' antecedent are clean. From the allegation, it transpires that *Panchayati* was going on and it may happen that the petitioners were called for *Panchayati*. There was no dispute with the petitioners either with the informant or with the Md. Ansar's side.

6. Counsel also submits that criminal case has been lodged from both the sides about which he has stated in paragraph-14 of the bail petition. For the same occurrence, the case has been filed from the informant's side i.e., Manihari P.S. Case No.207 of 2023 and from the petitioners' side i.e., Manihari P.S. Case No.208 of 2023.

7. Counsel further submits that he has attached post-mortem report by which it is clear that the death has been caused by injury in the chest. The allegation of one injury has been caused by Md. Ansar. As such, the petitioners deserve anticipatory bail.

8. Learned APP for the State opposes the prayer for bail.

9. Learned counsel for the informant vehemently opposes the prayer for bail and submits that police has found during investigation that it is petitioners who also caught him



the deceased and Md. Ansar attacked.

10. As such, Counsel further submits that there is direct involvement of the present petitioners in commission of crime. From the contents of F.I.R., it has categorically submitted by the informant that who caught the deceased and informant has not disclosed the name of the petitioners. If it has come in the case diary subsequently, it means that it is the distorted version of the informant.

11. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Manihari P. S. Case No.207 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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