

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30619 of 2024

Arising Out of PS. Case No.-255 Year-2023 Thana- BARSOI District- Katihar

Md. Afajul Son of Md. Majnu R/o village - Baskota (Banskota) Govindpur,
P.S. - Barsoi, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-08-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Barsoi P.S. Case No. 255 of 2023 dated 04.08.2023 registered under Sections 341, 323, 324, 379, 307, 506 / 34 of the I.P.C.

3. As per the First Information Report on 03.08.2023 in the afternoon due to land dispute the petitioner along with other accused persons, eleven in number, armed with *lathi*, *danda*, sword arrived at the land of the informant and the co-accused / Md. Hasim and Md. Ashraf armed with sword assaulted the informant and when the informant's wife intervened in order to save him the accused persons assaulted her in stomach due to which her seven months pregnancy aborted and other accused persons assaulted by *lathi* and also snatched nose pin and jewelry of the informant's mother-in-law.



4. Learned counsel for the petitioner submits that entire family members have been made accused due to land dispute between the parties. A Title Suit bearing T.S. No. 01 of 2023 is pending before the court of Munsif, Barsoi, district -Katihar between the parties. He further submits that specific allegation of assault is upon the co-accused / Md. Hasim and Md. Ashraf. Md. Ashraf has been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 79162 of 2023. The other co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 74258 of 2023. There is general and omnibus allegation of assault against the petitioner and others.

5. Regard being had to the submission made by the parties, taking into consideration the fact that there is land dispute between the parties, allegation against the petitioner is general and omnibus in nature, the person having specific allegation has been granted anticipatory bail by Co-ordinate Bench and other co-accused persons have been granted anticipatory bail by this Court, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on



furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M. 1st, Katihar / court concerned in connection with Barsoi P.S. Case No. 255 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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