

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34854 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- BARHARIA District- Siwan

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Jakir Hussain son of Mithlesh Ray Vill- Puraina P.S.- Barharia Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Mr. Raghav Prasad learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Barharia P.S. Case No. 438 of 2023, registered for the
offences punishable under Sections 341, 323, 307, 379, 504 and
506/34 of the Indian Penal Code.

3. Allegedly, while the informant was indulged in
construction of his house on his land, in the meantime, the
petitioner and others came there and started demanding Rs. 2
lakhs as extortion and threatened not to construct any house. On
protest by the informant, all the accused persons including the
petitioner entered in the informant's house and started assaulting
the informant. In the meantime, the informant's sister Apsana
Khatoon came to his rescue, who was assaulted by the petitioner



by means of iron rod over her head due to which she sustained head injury. Further, allegation of assault and snatching of valuables have also been levelled against other accused persons.

4. Learned Advocate for the petitioner referring to the FIR submitted that the parties are agnates and next door neighbour and in fact, on account of a land dispute a free fight has taken place resulting into injuries to persons of both the side. There is a counter case being Barharia P.S. Case No. 436 of 2023 instituted against the informant and his family members, which is earlier on the point of time. It is next contended that the father of the petitioner, namely, Mithilesh Rai has also sustained serious injury, who was referred to the Sadar Hospital, Siwan and the prosecution has failed to explain the injuries sustained to the persons of petitioner's side. Further submission has been made that though the sister of the informant has sustained head injury, but the nature of the injury has not been disclosed. It is lastly contended that the petitioner is a man of fair antecedent and he undertakes that he will not indulge in such type of activities in future and will fully cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.



6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case and genesis of the occurrence, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Siwan in connection with Barharia P.S. Case No. 438 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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