

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32912 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- ANGARH District- Purnia

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1. Md. Sahid Son Of Late Mujiburrahman Resident Of Village - Chainpur, Ward No.10, P.S. - Angarh, District - Purnea
 2. Md. Safik Son Of Late Mujiburrahman Resident Of Village - Chainpur, Ward No.10, P.S. - Angarh, District - Purnea
 3. Md. Sakil Son Of Late Mujiburrahman Resident Of Village - Chainpur, Ward No.10, P.S. - Angarh, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the Opposite Party/s	:	Mr. Surendra Prasad Singh, APP
For the Informant	:	Mr. Ram Pravesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Raj Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State. The informant is represented by Mr. Ram Pravesh Kumar, learned counsel.

2. The petitioners are apprehending their arrest in connection with Angarh P.S. Case No. 07 of 2024, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

3. Allegedly, while the informant was filling soil on the road, in the meantime, all the FIR named accused persons including the petitioners armed with weapon came there and



started assaulting. It is further alleged that the accused persons assaulted the wife of the informant by means of *khudal* due to which she sustained grievous injury. The allegation of snatching of valuables has also been levelled against the accused persons.

4. Learned Advocate for the petitioners contended that from the narrations made in the FIR it would be evident that the occurrence has taken place on the premise of land dispute resulting into case and counter case bearing Angarh P.S. Case No. 08 of 2024, instituted by niece of the petitioner no. 1 against the informant. Further submission has also been made that there is no specific allegation of any overt act against the petitioners rather omnibus nature of allegation has been levelled against all the family members. The injury report has been produced on record as Annexure-P/3. Referring thereto, learned advocate for the petitioner contended that the injury has been sustained on the non vital part of the informant. It is next contended that the petitioners are men of fair antecedent and they undertake that they will not indulge in such type of activities in future.

5. On the other hand, learned counsel for the State as well as the informant opposed the pre-arrest bail application and submitted that the materials available on record *prima facie* suggest that the petitioners are aggressor and by making an



unlawful assembly, they have brutally assaulted the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the factum of the case and counter case on the premise of land dispute, let the petitioners above named be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Angarh P.S. Case No. 07 of 2024, 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 petitioners.

(Harish Kumar, J)

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