

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33824 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- HATHUA District- Gopalganj

1. FAZAL HUSSAIN S/O LATE SHAH MOHAMMAD RESIDENT OF VILLAGE - JADO PIPRA, POLICE STATION - HATHUA, DISTT.- GOPALGANJ.
2. IMAM HUSSAIN S/O FAZAL HUSSAIN RESIDENT OF VILLAGE - JADO PIPRA, POLICE STATION - HATHUA, DISTT.- GOPALGANJ.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Tooba Hera, Advocate Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, Advocate Mr. Vyas Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-08-2024 1. Heard Ms. Tooba Hera learned counsel for the petitioners, Mr. Rabindra Kumar learned A.P.P. for the State and Mr. Vyas Kumar Mishra learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 427/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 1 is aged about 78 years but his age in the FIR has been wrongly mentioned as 60 years. It is further submitted that inadvertently, petitioner no. 1 has been described as son of Shah Mohammad



when he is son of Late Shah Mohammad. It is next submitted that the informant alleges that accused persons including the petitioners came variously armed and Fazal Hussain (petitioner no. 1) assaulted her by rod causing injury on her head while Imam Hussain (petitioner no. 2) assaulted her son Md. Nadeem by sword causing injury on his head and also snatched Rs.10,000/- from her son and vandalized the house.

4. Learned counsel for the petitioners submits that petitioners, being the agnates of the informant, have been falsely implicated in the instant case by describing them as neighbour. It is further submitted that from the side of the petitioners, petitioner no. 2 instituted Hathua P.S. Case No. 293 of 2023 alleging that Md. Nadeem assaulted him by rod causing injury on his head and also received injury on his chin, toe and near the eyes. It is next submitted that the informant concealed her relationship with the petitioners when Imam Hussain in his FIR i.e. Hathua P.S. Case No. 293 of 2023 specifically described the accused and his family members as their Pattidar and they are having dispute relating to land on account of which an altercation took place and both sides assaulted each other. Learned counsel also submits that the informant of the present case deliberately concealed her relationship with the petitioners



to give an impression that her neighbours assaulted her and her family members. It is further submitted that the injury suffered by Nadeem is simple in nature and the opinion with regard to the injury suffered by the informant on account of alleged assault by petitioner no. 1 is reserved. Learned counsel next submitted that a person who has remained a person with clean antecedent for 78 years why would he commit such an occurrence. It is also submitted that the entire family members have been implicated in the instant case because of land dispute.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioners. Learned counsel appearing on behalf of the informant submits that Nadeem Ahmad had approached this Court seeking anticipatory bail in Hathua P.S. Case No. 293 of 2023 but the same was rejected by a Coordinate Bench of this Court vide order dated 24.07.2024 passed in Cr. Misc. No. 46573 of 2024, as such, the anticipatory bail application of the petitioners be also rejected but then is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that informant of the present case concealing her relationship with the petitioners instituted the instant FIR and Nadeem Ahmad suffered simple



injury and petitioner no. 1 is a senior citizen aged about 78 years.

6. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.18,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Hathua P.S. Case No. 294 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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