

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34520 of 2024**

Arising Out of PS. Case No.-78 Year-2019 Thana- KASBA District- Purnia

1. Md. Aslam @ Aslam S/o Md. Badaruddin R/o vill - Alampur, P.S. - Kasba, Distt. - Purnia
2. Bibi Mustakima Khatoon @ Bibi Mustakina Khatoon @ Mustakina W/o Md. Badaruddin R/o vill - Alampur, P.S. - Kasba, Distt. - Purnia.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dheeraj Kumar

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      23-05-2024                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kasba P.S. Case No. 78/2019 registered for the offences punishable under Sections 323, 341, 324, 307, 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner no.1 and others are said to have started abusing and assaulting the informant's father on account of land dispute. It is alleged that when the informant came to save his father, the aforesaid accused persons assaulted him. During the course of said scuffle the petitioner no.2 and others also assaulted them. It is further



alleged that co-accused Md. Amiruddin assaulted Md. Saddam by means of sword on head with intention to kill him. It is further alleged that co-accused Md. Ali Raj assaulted Md. Kasim and Kolen by means of lathi as a result of which they sustained head injury. It is further alleged that petitioner no.2 Bibi Mustina and other concertedly assaulted Sabina Khatoon by means of fists and slaps.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. The petitioners bear no criminal antecedent. He further submits that there is no specific allegation of assault against the petitioner, allegations are general and omnibus in nature. The police has submitted final form against the petitioners showing them as not sent up for trial. He further submits that cognizance has been taken against the petitioners by the court of C.J.M. on 22.07.2019 as mentioned in Annexure-3 of the bail petition.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia in connection with Kasba P.S. Case No. 78/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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