

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43992 of 2024

Arising Out of PS. Case No.-127 Year-2024 Thana- DALSINGHSARAI District- Samastipur

1. Md. Dulare Son of Late Md. Nawab Resident of Village - Kamrawn @ Kamraw, Ward No.- 9, P.S.- Dalsingsarai, District - Samastipur.
2. Arbaj Iqbal @ Md. Arbaj Son of Md. Dulare Resident of Village - Kamrawn @ Kamraw, Ward No.- 9, P.S.- Dalsingsarai, District - Samastipur
3. Shadab Iqbal @ Sadab Iqbal Son of Md. Dulare Resident of Village - Kamrawn @ Kamraw, Ward No.- 9, P.S.- Dalsingsarai, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Dalsinghsarai P.S. Case No. 127 of 2024 dated 16.04.2024, instituted for the offence punishable under Sections 341, 342, 354(B), 379, 323, 324, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioners is that they along with other co-accused persons entered into house of the informant armed with lathi, danda, iron rod, edge/farsa and attacked upon husband, sons and daughter of the informant.



Petitioner no. 1, namely, Md. Dulare caught hair of the informant and disrobed her and assaulted the son of the informant with knife. Petitioner no. 2, namely, Arbaj Iqbal dragged daughter of the informant. Petitioner no. 3, Shadab Iqbal torn apparel of daughter of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is no specific allegation against the petitioners rather allegation against the petitioners are general and omnibus. There is long standing land dispute between the parties for which the petitioners along with other accused persons of this case has filed a civil writ bearing C.W.J.C. No. 12794 of 2011 against the informant for removal of encroachment. The petitioners have also filed a Title Suit No. 04 of 2018 against the husband of the informant and others, thereafter, the informant side filed Title Partition Suit No. 10 of 2024 against the petitioners side which shows the nature of dispute is purely civil. Lastly, it has been submitted that they have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Dalsinghsarai P.S. Case No. 127 of 2024, they shall be released on anticipatory bail 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 A.C.J.M.-I, Dalsinghsarai, Samastipur, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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