

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43978 of 2024

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

Md. Daud @ Daud Son of Late Mahbub Ali R/O Vill.- Kamraw, Ward no.-
09, P.S.- Dalsingh Sarai, Dist.- Samastipur, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner apprehends 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 petitioner is that he
assaulted the son of the informant with *lathi*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is submitted that informant and the petitioner are the
heirs of common ancestor and there is long standing land
dispute between the parties for which the petitioner 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 petitioner has also filed Title Suit No. 04 of 2018 against the husband of the informant and others and thereafter the informant side has filed Title Partition Suit No. 10 of 2024 against the petitioner's side which shows the nature of dispute is purely civil. It is further submitted that there is no injury report mentioned in the impugned order passed by the learned Sessions Judge, Samastipur. Lastly, it has been submitted that he has no criminal antecedent.

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

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 petitioner within a period of six weeks from today, in connection with Dalsinghsarai P.S. Case No. 127 of 2024, he/she shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) 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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