

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48001 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- KURLIKOT District- Kishanganj

1. MD ATABUL @ MD ATAUR RAHMAN SON OF LATE KADAM ALI VILLAGE- BOROBANGALA NEJAGACHH, P.S.- KURLIKOT, DISTT.- KISHANGANJ
2. ASRAF @ ASRAF ALAM SON OF MD ATABUL @ MD ATAUR RAHMAN VILLAGE- BOROBANGALA NEJAGACHH, P.S.- KURLIKOT, DISTT.- KISHANGANJ
3. MD SAKIL @ SAKIL SON OF MD ATABUL @ MD ATAUR RAHMAN VILLAGE- BOROBANGALA NEJAGACHH, P.S.- KURLIKOT, DISTT.- KISHANGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-09-2024 Heard learned counsels for the parties.

2. At the outset, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the anticipatory bail application on behalf of Petitioner No. 3, namely Md. Sakil @ Sakil.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application on behalf of Petitioner No. 3 stands dismissed as withdrawn.

5. The Petitioner Nos. 1 and 2 apprehend their arrest in a case registered for the offence punishable under Sections



147, 148, 149, 341, 323, 324, 354, 354B, 504, 506 and 379 of the Indian Penal Code.

6. As per the prosecution case, these petitioners are alleged to have assaulted informant and his family members with sharp weapons, as a result of which they sustained injuries. It is further alleged that these petitioners also tried to outrage the modesty of sister-in-law (*Bhabhi*) of the informant and took away cash of Rs. 10,000/-.

7. It is submitted by learned counsel for the petitioners that petitioners are innocent and have falsely been implicated in this case due to land dispute between the parties for which proceedings under Section 144 of the Cr.P.C. is going on before the learned S.D.M, Kishanganj. There is case and counter-case between the parties. Informant is none else than own brother of Petitioner No. 1. Moreover, injuries allegedly caused by Petitioner Nos. 1 and 2 have been found to be simple in nature.

8. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

9. Considering the aforesaid facts and circumstances, case and counter-case between the parties and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail



to the Petitioner Nos. 1 and 2 is allowed.

10. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named Petitioner Nos. 1 and 2 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Kurlikot P.S. Case No. 13 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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