

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44974 of 2024

Arising Out of PS. Case No.-770 Year-2023 Thana- AHİYAPUR District- Muzaffarpur

1. Md. Kalim S/o Late Md. Taslim R/o Village-Sipahur, P.S.-Ahiyapur, District-Muzaffarpur
2. Sadre Alam @ Md. Sadre Alam S/o Md. Kalim R/o Village-Sipahur, P.S.-Ahiyapur, District-Muzaffarpur
3. Laddan Miyan @ Md. Sabre Alam @ Sabre Alam S/o Md. Kalim R/o Village-Sipahur, P.S.-Ahiyapur, District-Muzaffarpur
4. Afsana Khatoon @ Afsana W/o Md. Kalim R/o Village-Sipahur, P.S.-Ahiyapur, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-07-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.

2. This application, for grant of anticipatory bail, arises out of Ahiyapur PS case no. 770 of 2023, disclosing offences punishable under Sections 448, 341, 323, 379, 354, 354(A), 308, 504//34 of the Indian Penal Code.

3. The prosecution story, as per the First Information Report, is that on 18.06.2023 in the evening, while the informant was alone at her home, in the meanwhile, petitioner no. 1 came and attempt to outrage her modesty. When the



informant made protest, she was assaulted by petitioner no. 1. In the meanwhile, the husband of the informant also arrived and hot talks took place between them. Thereafter, petitioner no. 1 called his wife and sons and all of them assaulted the informant and her husband by hockey-stick and iron rod and petitioner no. 2 took away Rs. 20,000/- from the pocket of the informant's husband.

4. Learned Counsel for the petitioners submits that petitioners have been made accused on the basis of concocted and fabricated story due to land dispute between the parties. Petitioner no. 1 is brother-in-law (Bhaisur) of the informant and informant and petitioners are close relatives. Learned counsel further submits that on the date of occurrence, the informant's husband (brother of petitioner no. 1) and his associates tried to take forcible possession of a piece of land belonging to the petitioners and also assaulted them, for which, a counter case bearing Complaint case no. 2191 of 2023 has been lodged. He also submits that no serious injury has been caused to the informant's side.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that both parties are closely related, there is previous land dispute



between them, prosecution has not brought on record the injury caused to the informant and others, I am inclined to grant the privilege of anticipatory bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within four weeks, be released 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, Bettiah, Muzaffarpur in connection with Ahiyapur PS case no. 770 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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