

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47643 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Md. Afroj @ Md. Afroj Alam, Son of Md. Mainuddin, resident of Village-
Baingara Nizamat, P.S- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Advocate
For the State	:	Mr.Jharkhandi Upadhyay, APP
For the informant	:	Mr. Sunil Kumar Verma, Advocate
		Mr. Suman Kumar Verma, Advocate
		Mr. Anish Kumar, Advocate
		Ms. Anjali Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-09-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In this present case, the petitioner is apprehending his arrest in connection with Sahebganj P.S. Case No. 217 of 2023, registered for the offences under Sections 341, 323, 325, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and the other co-accused persons tried to forcibly construct a house on the disputed land also claimed by the informant. The allegation against the petitioner is that he hit on the head of the informant with iron rod causing injuries on his head. Other co-accused persons also assaulted the informant and his



family members. They also snatched a gold chain.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner's side is agnate of the informant and from the FIR, it is clear that there is land dispute between the parties. There is counter version to the occurrence being Sahebganj P.S. Case No. 218/2023 registered under Sections 341, 323, 325, 307, 354, 379, 427, 504, 506/34 IPC lodged by the co-accused Md. Sadik, who is the grandfather of the petitioner. A number of persons from the petitioner's side received injuries. The learned counsel further submits that witnesses have also stated that while the house was being constructed, a fight broke out between the two groups and both sides received injuries. The learned counsel further submits that only one injury has been found on the person of the informant and, therefore, allegation of causing injuries by the petitioner and co-accused persons is completely false. The learned counsel further submits that roof of the house of the grandfather of the petitioner was being constructed and the same was objected by the informant and his supporters which resulted in a free fight and both sides sustained injuries. The injury of the informant was



found to be simple. Since there is no repetition of blow, no offence could be inferred for causing death of the informant. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that there is specific allegation against the petitioner that he hit on the head of the informant with iron rod and corresponding injuries have been found. The learned counsel further submits that hematoma was observed in the scalp and the informant underwent treatment for five days in SKMCH. But this was not taken note of injuries and has been stated to be simple by the doctor, who has examined the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case of the parties in the background of land dispute and further considering the simple nature of injuries and also considering the possibility of false implication as well as clean antecedent, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail,



on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, West, Muzaffarpur/concerned court in connection with Sahebganj P.S. Case No. 217 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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