

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45632 of 2024

Arising Out of PS. Case No.-307 Year-2022 Thana- PIPRAKOTHI District- East Champaran

1. Shekh Mobarak @ Bhulan Son of Shekh Jwahir R/o Village- Chand Saraiya ps -Pipra Kothi District- East Champaran
2. Shekh Jwahir Son of Shekh Mohammad R/o Village- Chand Saraiya ps - Pipra Kothi District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Pipra Kothi PS Case No. 307 of 2022 dated 11-11-2022,
instituted under Sections 341,323,324, 325, 354, 379, 308, 504
and 506/34.

3. The prosecution case in short is that on 06-11-2022
the informant came to know that his agnates Shekh Jwahir after
selling his own share of land has also sold her share of land and
in collusion with antisocial elements, under conspiracy,
encroaching upon the land. It is further alleged that petitioners
along with Israt Jahan, Ramnath Sah and 10-15 unknown



persons have come on her land appertaining to khata no 30 khesra No. 208 and trying to take forceful possession of the same. When the informant along with her *Bhaisur* Shekh Mukhtar and cousin Md. Parwez forbade them to do so, it is alleged that petitioner No.1, namely, Shekh Mobarak @ Bhulan started abusing her and inflicted *Farsa* blow on the head of her *Bhaisur* causing head injury. Co-accused Ram Nath Sah inflicted iron rod blow on his cousin, namely, Parwez, as a result of which, his left hand broken and he also sustained cut injury and blood started oozing out and he fell down on the earth. It is alleged that petitioner, no.2, namely, Shekh Jwahir abused them and demanded extortion money of Rs. 10 Lakhs and torn her cloth with a wrong intention, as a result of which, she become partly nude. It is alleged that co-accused, namely, Israt Khatoon hit the informant on her stomach and snatched gold chain from her neck.

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 both the parties are agnates and there is land dispute between the parties. There is case and counter case between the parties. It is submitted that co-accused Israt Khatoon lodged FIR bearing Pipra Kothi PS Case No. 302



of 2022 against the informant and other family members. The informant, in retaliation of the same, has lodged the instant false case against the petitioners. There is a specific allegation against the petitioner no,1, namely, Shekh Mobarak @ Bhulan of assaulting the elder brother of the husband of the informant by means of *Farsa* and so far petitioner No.2, namely, Shekh Jwahir is concerned, there is no specific allegation of assault levelled against him. It is submitted that from perusal of the impugned order passed by the Additional District and Sessions Judge Motihari- 22, it is manifest that learned Sessions Judge while rejecting the anticipatory bail has recorded in the impugned order, that there is no injury report mentioned in the case diary. There has been unexplained delay in lodging of the FIR. The date of occurrence is 06.11.2022 and the present FIR has been lodged on 11.11.2022 after lapse of 05 days. Lastly, it is submitted that the petitioners have clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on 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 CJM, Motihari, East Champaran, in Piprakothi PS Case No. 307 of 2022, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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