

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47616 of 2024

Arising Out of PS. Case No.-59 Year-2024 Thana- JOKIHAT District- Araria

Ishtiyak @ Md. Ishtiyaque S/O Md. Jaqrul @ Jaqrul, R/O Village- Bhansia,
Ward No.-03, P.S- Jokihat (Mahalgaon), Dist.- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Madhav Jha, Advocate
For the Informant	:	Mr. Rabindra Kr. Priyadarshi, Advocate
		Mr. Sunil Kr. Bhagat, Advocate
		Mr. Dheeraj Kumar, Advocate
For the Opposite Party	:	Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr. Madhav Jha, the learned counsel for the petitioner, Mr. Rabindra Kr. Priyadarshi, the learned counsel appearing on behalf of the informant and Ms. Sharda Kumari, the learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jokihat PS Case No. 59 of 2024, FIR dated 18.02.2024, registered for the offences punishable under Sections 341, 323, 325, 427, 307, 354(B), 379, 504 and 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the FIR named accused persons, variously armed, encroached the land of the informant and upon protest by informant's elder sister, they



abused and assaulted her. It is further alleged that one Imtiyaz assaulted by means of iron-rod on the head of the informant's father, Md. Jakrul assaulted informant's mother on her left arm by means of iron-rod, the petitioner assaulted by means of *dabiya* on the nose of informant's father causing cut injury and Jahan assaulted the informant and his sister. It is further alleged that the accused persons entered into informant's house and sabotaged the property and they also snatched a silver chain weighing around 8 grams, earrings and Rs. 3500/- (Rupees three thousand and five hundred) cash and also threatened that they will set the house on fire.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that due to admitted land dispute the present occurrence has taken place and although there is specific allegation against the petitioner that he has assaulted to the father of the informant, but there was no intention to kill him.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the FIR, it appears



that there is specific allegation of assault attributed against the petitioner and the injury report of the informant's father suggests that he has received three injuries and out of three injuries, two are simple in nature while one is grievous in nature.

6. Considering the aforesaid facts and circumstances and nature of injury, I am **not** inclined to grant the privilege of anticipatory bail to the petitioner in connection with Jokihat PS Case No. 59 of 2024, pending in the Court of learned Chief Judicial Magistrate, Araria.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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