

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54722 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- ANDHRAMATH District- Madhubani

1. Md. Zahur, Son Of Late Abdul Mazid R/V- Mahthaur, P.S.- Andharamath, Distt.- Madhubani
2. Md. Manjoor Son Of Md. Zahur R/V- Mahthaur, P.S.- Andharamath, Distt.- Madhubani
3. Md. Lukman Son Of Md. Islam R/V- Mahthaur, P.S.- Andharamath, Distt.- Madhubani
4. Md. Qurban Son Of Md. Islam R/V- Mahthaur, P.S.- Andharamath, Distt.- Madhubani
5. Zulesa Khatoon Wife Of Md. Majloom R/V- Mahthaur, P.S.- Andharamath, Distt.- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Yadav
For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 11-09-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 325, 506 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.5 is a woman and the informant alleges that on 06.03.2024 at



7.30 A.M., the accused persons including the petitioners came on account of dispute relating to land and Mazloom assaulted her by lathi causing injury on shoulder, while Fuldev caught her leg and dragged her and also assaulted Yusuf by *farsa* causing injury on both hands and head, Thereafter, Mazloom and Shakir assaulted Yusuf by *farsa* causing injury on head and Manjoor assaulted Yusuf by spear causing injury, thereafter Jahur, Sakur, Sabbir and others assaulted Sobrati and Mansoori by *Farathi* causing fracture of right hand and wife of Mazloom (petitioner no.5) assaulted Shamshad by backside of *Katiya* causing injury on head.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated on account of dispute relating to land. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against petitioner no.3 and 4. It is also submitted that though petitioner no.5 is alleged to have assaulted Shamshad by *Katiya*, but then, the injury suffered by Shamshad is simple in nature. It is further submitted that as far as petitioner nos.1 and 2 are concerned, it is submitted that Zahoor along with Sakur, Sabbir and others is alleged to have assaulted Sobrati and Mansoori by *Farathi*



causing fracture of right hand, but then, the allegation of assault is not specific. It is also submitted that even Zahoor received injury in the occurrence and opinion with regard to his injury is also reserved. It is also submitted that Manjoor is alleged to have assaulted Yusuf by spear causing injury.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur, Madhubani in connection with Andharamath P. S. Case No.42 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner no.2, Md. Manjoor shall verify the injury report of Yusuf and in the event, if it is found that Yusuf has suffered grievous injury, in that event, the



present anticipatory bail order shall not be given effect to in favour of Md. Manjoor, but if the injury suffered by Yusuf is simple in nature, in that event, the anticipatory bail bonds shall be accepted forthwith.

(Satyavrat Verma, J)

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