

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61195 of 2024

Arising Out of PS. Case No.-1144 Year-2023 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Md. Najrul @ Najrul, S/o - Md. Nurullah @ Murullah @ Nurla, Resident of
Village- Mahua, P.S.- Dahrar, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Samina Khatun, Wife of Md Rahamatullah, Resident of Village- Mahua,
Ward No. 1, P.S.- Dahrar, District- Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar Prasad Singh, Adv. Mr. Amardeep Lokpriya, Adv.
For the State	:	Mr. Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-09-2024 1. Heard Mr. Diwakar Prasad Singh, learned counsel
for the petitioner and Mr. Binod Kumar No. 3, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 1144 of 2023 in which cognizance of
the offences under sections 341, 323, 325, 308 read with section
34 of the Indian Penal Code was taken by the learned Chief
Judicial Magistrate, Saharsa.

3. Learned counsel for the petitioner submits that the
complaint case lodged by O.P. No. 2 is completely false,
fabricated and has been maliciously instituted for wrecking
vengeance and from perusal of the complaint, it appears that a



land dispute is running in between both the parties and the petitioner had lodged a case bearing Nauhata P.S. Case No. 194/2023 prior to the filing of the complaint of O.P. No. 2 which has been annexed with this petition as Annexure- 'P/2' and in that case, altogether three persons got injured from the petitioner's side while in the present case, the main injuries sustained by the complainant are on non-vital part of her body. Learned counsel further submits that the learned Magistrate ought to have directed the concerned police station under section 156(3) of Cr.P.C. to register FIR and submit report under section 173 of Cr.P.C. Learned counsel further submits that in the complaint petition, there is no specific allegation against this petitioner and he has fair and clean antecedent and offences under sections 302 and 308 of IPC are not made out against him, as such, he deserves anticipatory bail.

4. Learned APP for the State has opposed the prayer for bail.

5. Heard both the sides and perused the complaint filed by the O.P. No. 2 as well as the order impugned. As per the Annexure-P/2, the petitioner lodged the FIR prior to the filing of the complaint of O.P. No.2 and he had recorded his fardbeyan at the hospital and he has also filed his injury report which shows



fracture to his right hand and in the complaint petition, there is no specific allegation against this petitioner. Though on the person of the complainant (O.P. No. 2), three injuries are said to have been found in which two injuries have been opined to be grievous in nature but both were found on non-vital part of her body. Considering all these facts as well as above submissions and mainly the petitioner’s plea as to free fight having taken place in between both the parties and his fair and clean antecedent, this Court is inclined to grant the relief of anticipatory bail to him. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Complaint Case No. 1144 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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