

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56436 of 2024**

Arising Out of PS. Case No.-149 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

1. Md. Julfkar Alam, Son of Late Anish Uddin,
2. Md. Abdul Wakif @ Abdul Wakib, Son of Md. Julfkar Alam
3. Md. Moinuddin @ Md. Moin Uddin, Son of Md. Julfkar Alam
All are residents of village- Sitanabad South, Ward No. 1, P.S.- Simri
Bakhtiyarpur (Bakhtiyarpur), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 11-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending
their arrest in connection with Simri Bakhtiyarpur P.S. Case No.
149 of 2024, registered for the alleged offence under Sections
341, 323, 324, 504, 506, 354(B), 379 and 34 of the Indian Penal
Code.

3. As per prosecution case, the petitioners, who were
armed with *lathi*, *danda* and other sharp weapon, assaulted the
informant causing him injury on his left hand. The petitioners
further assaulted the wife of the informant and his sons.

4. The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties and wife of the petitioner no.1 has filed Simri Bakhtiyarpur P.S. Case No. 153/2024 under Sections 324, 379 and other minor sections of the IPC against the informant's side. The petitioners' side also received injuries which remains unexplained. The learned counsel further submits that injuries of the victims have been mentioned in the rejection order of the learned Sessions Judge and the injuries are mostly bruises, pain and swelling and only one lacerated wound has been found over left arm of the informant having its size 1" x 1/4". This falsifies the allegation that the informant was assaulted with a sharp cut weapon. Other injuries are superficial and non-serious. During investigation, the police did not find the allegation under Section 354B IPC to be true and Section 379 IPC is super addition. The learned counsel further submits that the petitioners and the informant are next door neighbours and there is admitted enmity between them due to *gram panchayat* election. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the case and counter case between the parties and further considering the non-serious nature of injuries of the victims and also considering the possibility of false implication and clean antecedent, let the petitioners above named, in the event of their 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/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Simri Bakhtiyarpur P.S. Case No. 149 of 2024, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

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

(Arun Kumar Jha, J)

V.K.Pandey/-

U		T	
---	--	---	--

