

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59472 of 2024

Arising Out of PS. Case No.-48 Year-2023 Thana- PURUSHOTTAMPUR District- West
Champaran

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1. Md. Mustafa S/o- Abdul Halim @ Abdul Haleem Village- Parsa Ps-
Purushottampur Dist- West Champaran
 2. Md. Murtuza @ Mohammad Murtuza son of Abdul Halim @ Abdul Haleem
Village- Parsa Ps- Purushottampur Dist- West Champaran
 3. Farmud Alam @ Farmuda son of Md. Murtuza Village- Parsa Ps-
Purushottampur Dist- West Champaran
 4. Jamal Akhtar son of Sheikh Salim Islihan Village- Parsa Ps- Purushottampur
Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-10-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 323,
324, 307, 354B, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent and the informant
alleges that on 25-4-2023, Abdul Hami along with others
obstructed the passage leading to his house by constructing a



wall, but on protest, it is alleged that all the named accused persons including the petitioners started assaulting the informant and Md. Mustafa assaulted the informant by *farsa* causing injury on his head, thereafter, Md. Murtuza assaulted the elder brother of the informant by an iron rod causing injury on his hand, thereafter all the accused persons assaulted by *lathi* and *fersa*.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant on account of dispute relating to land. It is further submitted that even presuming what has been alleged is true without admitting then Md. Mustafa is alleged to have assaulted the informant by *farsa* on head causing injury, but then the injury suffered by the injured is simple, which amply demonstrates that Mustafa never had any intention of committing a serious occurrence, and the blow was not repeated. It is fairly submitted that though Md. Murtuza is alleged to have assaulted the brother of the informant by an iron rod causing injury on hand, and the said injury has been found to be grievous but then is on a non-vital part of the body. It is also submitted that on account of dispute relating to passage, an altercation had taken place in which both sides assaulted each



other. It is next submitted that petitioners are not criminals.

5. The learned APP and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners. The learned counsel for the informant submits that Md. Mustafa and Md. Murtuza have not approached this court with clean hands. It is submitted that at Para-3, it has been pleaded that they are persons with clean antecedent but then they have antecedent of two cases, as such, on the said ground itself their anticipatory bail be declined.

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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Purushottampur P.S. Case No. 48 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bond of Md. Mustafa (Petitioner No. 1) and Md. Murtuza (Petitioner No. 2) shall verify their criminal antecedent,



and in the event if it is found that they have antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to in their favor.

(Satyavrat Verma, J)

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