

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64930 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- POTHIYA District- Kishanganj

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1. Mukhtar S/o Puta Azam Ali R/o vill - Nimalgaon, P.S. - Pothia, Distt. - Kishanganj
 2. Rizwan @ Md. Rizwan @ Rizwan Noori S/o Mukhtar R/o vill - Nimalgaon, P.S. - Pothia, Distt. - Kishanganj
 3. Khairun @ Khairun Nisha W/o Mukhtar R/o vill - Nimalgaon, P.S. - Pothia, Distt. - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 21-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Pothia Police Station Case No. 73 of 2024, dated 19.03.2024, disclosing offences punishable under Sections 341/323/324/326/354/307/379/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the petitioners, along with other co-accused persons, assaulted the uncles of the informant, namely, Md. Iliyas and Safique due to land dispute. It has also



been alleged that the petitioners outraged the modesty of the informant's mother and assaulted her.

4. Learned Counsel for the petitioners submits that both the parties are co-sharers and there is land dispute between them. The allegation against the petitioner nos. 1 and 3 is general and omnibus in nature; whereas the specific allegation of assault by means of axe on the informant's uncle, Iliyas, is against the petitioner no. 2, namely, Md. Rizwan. A counter case has also been lodged by the side of the petitioners, bearing Pothia Police Station Case No. 74 of 2024 against the informant and others under Section 307 and other allied sections of the Indian Penal Code. The injury caused to the victim Iliyas by petitioner no. 2 is grievous in nature. He further submits that from the side of the petitioners also, one person has sustained grievous injury.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the allegation against the petitioner nos. 1 and 3 is general and omnibus in nature, but there is specific allegation against the petitioner no. 2 of assaulting informant's uncle by means of axe, causing grievous injury, I am inclined to



grant the petitioner nos. 1 and 3 privilege of anticipatory bail and reject the prayer of grant of anticipatory bail to the petitioner no. 2.

6. Let the petitioner nos. 1 and 3, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, in connection with Pothia Police Station Case No. 73 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.
7. This application is partly allowed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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