

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61588 of 2023**

Arising Out of PS. Case No.-457 Year-2023 Thana- AURANGABAD TOWN District-  
Aurangabad

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1. Md. Rijwan @ Md. Rijwan Alam (Male) Son Of Saiyad Zeyauddin @ Syed Zeyauddin.
  2. Saiyad Zeyauddin (Male) Son Of Late Md. Nejamuddin  
Both Resident Of Village - Naviadih, Police Station - Town, District -  
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                      |   |                                  |
|----------------------|---|----------------------------------|
| For the Petitioner/s | : | Mr. Kamendra Pd. Singh, Advocate |
| For the Informant    | : | Ms. Priyanka Singh, Advocate     |
| For the State        | : | Mr. Ram Naresh Ray, A.P.P.       |

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      27-02-2024                      Heard Mr. Kamendra Pd. Singh, learned counsel  
appearing on behalf of the petitioners; Ms. Priyanka Singh,  
learned counsel appearing on behalf of the informant and Mr.  
Ram Naresh Ray, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection  
with Town P.S. Case No. 457 of 2023 registered for the offence  
punishable under Sections 341, 323, 307 and 34 of the Indian  
Penal Code.

3. As per the allegation made in the FIR, fierce fight  
took place between the informant and petitioner side in which,  
both the parties had sustained injury. Specific allegation against  
the petitioners is that they are the one, who had inflicted the  
informant with iron rod, which had caused head injury, with an



intention to kill the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that there is long standing land dispute between the parties with respect to partition of their properties and both the parties wanted to solve the same and in course of the same, they had indulged in fierce fight and both the parties had sustained injury. The petitioners may have caused some injuries on the body of the informant but without intention. There is case and counter case between the parties. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the informant submitted that injuries caused to the informant are serious in nature and petitioners have lodged a frivolous counter case just to save themselves. However, she submitted that Partition Suit No. 168 of 2019 is pending between the parties.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it is admitted that there is a partition suit between the parties pending in the competent court which led to



the fierce fight between the parties and in same incidence both of them had assaulted each other. There is case and counter case between the parties. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, in connection with Town P.S. Case No. 457 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. **The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

**(Purnendu Singh, J)**

Niraj/-

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