

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62187 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- ANDHRAMATH District- Madhubani

1. Md. Wasim Son of Late Md. Alam Resident of Village- Dakhi, PS -Andharamath, Distt.- Madhubani
2. Md. Jasim @ Md. Jaso Son of Md Wasim Resident of Village- Dakhi, PS -Andharamath, Distt.- Madhubani
3. Gulshan Khatoon D/O- Md. Wasim Resident of Village- Dakhi, PS -Andharamath, Distt.- Madhubani
4. Haseena Khatoon Wife of Md. Wasim Resident of Village- Dakhi, PS -Andharamath, Distt.- Madhubani
5. Pano Khatoon Wife of Late Md. Alam Resident of Village- Dakhi, PS -Andharamath, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Jha Raman, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-10-2024 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 Andhramath Police Station Case No. 17 of 2024, disclosing offences under Sections 341, 323, 324, 325, 354, 354(B), 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the land of the informant is situated in north-side of the house of the petitioner no. 1. The petitioner no. 1 having greedy eye on the said land demanded the same from the father-in-law of the informant forcibly. It has further been alleged that on 28.01.2024 petitioner



no. 1 with his family members having arms in their hand started tilling the land in question. When father of the informant reached near the land and prevented the petitioners, then the petitioner no. 2 assaulted the father-in-law of the informant by means of Farsa on his head and another accused persons attacked with the lathi and khanti.

4. Learned Counsel for the petitioners submit that the petitioners have been made accused due to land dispute between the parties. The petitioner no. 1 purchased the land in question from Md. Jibrail who belongs to the side of the informant through sale deed dated 18.01.2001. When the petitioner started tilling the soil of the purchased land the scuffle took place between the parties. The side of the petitioner lodged Andhramath Police Station Case No. 16 of 2024 against the informant and others which is prior in time to the FIR lodged against the petitioners. The injuries caused to the victim are simple in nature. The injury report of the informant has not been submitted by the doctor.

5. Upon perusal of the injury, it appears that it is not serious in nature and caused by hard and blunt substance, whereas, the allegation against the petitioner no. 2 of assault upon the informant's father-in-law by means of sharp cutting



weapon i.e. farsa.

6. On the other hand, learned Additional Public Prosecutor opposed the prayer for bail

7. Regards being had to the submission made by the parties, taking into consideration the fact that both the parties are co-villagers, there is a land dispute between them the case and counter case is also there, the injuries caused to victim are not serious in nature, as such, I am inclined to grant anticipatory bail to the petitioner.

8.This application is, accordingly, allowed.

9. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Jhanjharpur, District-Madhubani in connection with Andhramath Police Station Case No. 17 of 2024,subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J.)

Jyoti Kumari/-

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