

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69596 of 2024**

Arising Out of PS. Case No.-54 Year-2024 Thana- BAHERA District- Darbhanga

1. Md. Nabil @ Md. Nabil Ahmad @ Md. Nabeel Ahmad Son of Md. Habibur Rahman Resident of Village - Navtoliya, P.S. - Bahera, District - Darbhanga
2. Md. Kafil @ Md. Kafeel Son of Md. Habibur Rahman Resident of Village - Navtoliya, P.S. - Bahera, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uma Shankar Singh

For the Opposite Party/s : Mrs. Gulnar Begum

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      17-10-2024      Heard learned counsels for the parties.

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

3.      The allegation against the petitioners is that they assaulted the informant by means of several weapons due to which he sustained injuries.

4.      It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather



general and omnibus in nature. There is a case and counter-case between the parties. There is an admitted land dispute between the parties. It is further submitted that there is no specific overt act against the petitioners. Petitioners have one criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that the doctor has found a sharp cut injury on the parietal region over the right side about 3 cm, which is on the vital part of the body and multiple site on whole body painful swelling over the informant. The doctor has found that the injuries are dangerous in nature.

5. Having regard to the facts and circumstances of the case since there is an allegation of assault against the petitioner no.1 and as per the Section 320 of IPC, any injury that endangers life, causes severe bodily pain or prevents the victim from pursuing their normal activities for twenty days is considered grievous, as such, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

6. However, there is general and omnibus allegation against the petitioner no.2, let the above named petitioner no.2 be



released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bahera P.S. Case No.54 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Accordingly, this application is partly allowed.

**(Anjani Kumar Sharan, J)**

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