

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71903 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- SIKTI District- Araria

1. Mosim @ Md. Mosim Son of Sahabuddin R/O Vill.- Saidabad, Ward no. 14, P.S.- Sikty, Dist.- Araria.
2. Taslim @ Md. Taslim Son of Nisar Ali R/O Vill.- Saidabad, Ward no. 14, P.S.- Sikty, Dist.- Araria.
3. Md. Gadu @ Nasim Son of Sahabuddin R/O Vill.- Saidabad, Ward no. 14, P.S.- Sikty, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-10-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Sikty PS case no. 23 of 2024, disclosing offences punishable under Sections 307, 354(B) and other allied sections of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 09.03.2024 in the morning, 15 accused persons, variously armed, arrived on the land of the informant in order to grab the same and started unloading the materials for construction of house. When the informant's husband objected,



co-accused Farooq assaulted him by means of farsa on his head. Petitioner no. 1 assaulted the informant by means of rod on her head and back. Petitioners no. 2 and 3 along with others assaulted the informant's husband by means of lathi on his right hand.

4. Learned Counsel for the petitioners submits that there is land dispute between the parties and case and counter case is existing between them. Referring to the injury report learned counsel submits that injury caused to the informant's husband on his head is attributable to co-accused Farooq and is not attributable to the petitioners. He also submits that injury caused to the informant is simple in nature except injury no. 4, which is grievous but the allegation against petitioners no. 2 and 3 is that they assaulted with rod on the hand and back of the informant and not on the neck.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that there is long standing land dispute between the parties, injury caused to the informant is simple in nature except injury no. 4, which is not *prima facie* attributable to petitioner no. 1 and injuries caused to informant's husband are not attributable to the petitioners, I am inclined to grant the privilege of anticipatory



bail to the petitioners.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Araria in connection with Sikty PS case no. 23 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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