

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72277 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- NAANPUR District- Sitamarhi

MD. ASHIF @ MD. ASIF @ MD. ASIF IQBAL S/o MD. KALAM @
ABDUL KALAM R/o Village- Nanpur, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-10-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Nanpur Police Station Case No. 168 of 2024, dated 11.04.2024, disclosing offences punishable under Sections 447/448/341/323/324/307/354-B/379/504/506/ 34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that in the evening of 05.04.02024, the petitioner, along with other co-accused persons, entered into the courtyard of the informant, started abusing her and assaulted the informant, her husband and her family members and also snatched jewellery from her.
4. Learned Counsel for the petitioner submits that the husband



of the informant is the full brother of the petitioner. Both, the informant's husband and the petitioner, had purchased a piece of land jointly and subsequently the petitioner transferred his share in favour of his father-in-law, due to which dispute arose between them. Title Suit No. 111 of 2023 is pending between the parties. The allegation against the petitioner is general and omnibus in nature and the specific allegation of assault is against other co-accused persons. There is delay in lodging the present First Information Report inasmuch as the occurrence has allegedly taken place on 05.04.2024, but the First Information Report has been lodged on 11.04.2024. The doctor has kept the opinion reserved for the injuries sustained by the husband of the informant whereas the son of the informant has sustained grievous injury, as would be evident from the injury reports, at Annexure 4 series. Three persons from the side of the petitioner has also sustained injuries, which would be evident from the injury reports (Annexure P/3 series). He further submits that similarly situated co-accused person, namely, Md. Kalam, has been granted anticipatory bail by this Court, vide order, dated 26.10.2024, in Criminal Misc. No. 71732 of 2024.



5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that there is admitted land dispute between the parties, both parties are closely related, there is case and counter case and similarly situated co-accused has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his 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 Sub Divisional Judicial Magistrate, Pupri, Sitamarhi, in connection with Nanpur Police Station Case No. 168 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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