

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77745 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- HAYAGHAT District- Darbhanga

1. Md Anwar Hussain @ Anwar Hussain S/O Late Amir Hussain R/O Vill - Rustampur, P.S. - Hayaghat, Dist - Darbhanga
2. Md. Mistar @ Md. Mister S/O Md. Anwar Hussain R/O Vill - Rustampur, P.S. - Hayaghat, Dist - Darbhanga
3. Md. Heera S/O Md. Anwar Hussain R/O Vill - Rustampur, P.S. - Hayaghat, Dist - Darbhanga
4. Makshudhan Khatoon @ Maksudan Khatoon W/O Md. Anawar Hussain @ Md. Anwar Hussain R/O Vill - Rustampur, P.S. - Hayaghat, Dist - Darbhanga
5. Afrozi Khatoon @ Md. Afrozi Khatoon W/O Md. Ashlam R/O Vill - Rustampur, P.S. - Hayaghat, Dist - Darbhanga
6. Ladali Khatoon @ Ladli Praveen W/O Ashraf Nadaf R/O Vill - Rustampur, P.S. - Hayaghat, Dist - Darbhanga
7. Md. Shamim @ Shami S/O Md. Shamshul R/O Vill - Rustampur, P.S. - Hayaghat, Dist - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 07-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioner are apprehending their arrest in connection with Hayaghat P.S. Case No. 118 of 2023, registered on 12.08.2023 for the offences under Sections 147, 149, 341, 323, 307, 354, 379, 427, 504, 506



of the Indian Penal Code.

3. As per prosecution case, the petitioners and co-accused Md. Matin assaulted the brother-in-law of the informant, husband of the informant and some other persons by means of *Farsa*, *Lathi* and *Danda*. The occurrence took place in the background of land dispute.

4. Learned counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. The petitioners are co-villagers of the informant and there is dispute over a piece of land on which petitioner no. 1 claims his title. No occurrence as alleged has ever taken place and there is a counter version as well being Hayaghat P.S. Case No. 120 of 2023 lodged by petitioner no. 2, Md. Mister, whose fardbeyan was recorded at DMCH on 13.08.2023. According to petitioner no. 2, Md. Mister, 11 persons named in his FIR including the victims of the present case assaulted the petitioners' side with iron rod, Farsa, lathi, spade and pistol causing injury to the persons of petitioners' side. Moreover, there is general and omnibus allegation against the petitioners and specific allegation of assault is only against co-accused Md. Matin. The wife of petitioner no. 1 has lodged Hayaghat P.S. Case Nos. 93 of 2023 and 99 of 2023 against the informant and



her family members. Petitioner nos. 4 to 7 have no criminal antecedent whereas petitioner nos. 1, 2, 3 and 7 have criminal antecedent of one case lodged by family of informant of the present case.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the rejection order shows Md. Kalam and Salamat have received injuries in the hands of the petitioners. Though the injuries of Md. Kalam are only abrasion, complain of plain, whereas lacerated wound 1/2"x1/4" into scalp deep on right parietal scalp on the person of Salamat was found.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties in the background of land dispute and further considering the non-specific nature of allegation against the petitioners, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- VIIIth, Darbhanga/concerned court in



connection with Hayaghat P.S. Case No. 118 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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