

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81019 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- Banma Itahari District- Saharsa

1. Md. Mansur Alam Son of Sabbir Alam @ Md. Shabbir Alam Resident of Village- Ghordaur, P.S.- Banma Itahari, Distt.- Saharsa
2. Md. Hussain Son of Sabbir Alam @ Md. Shabbir Alam Resident of Village- Ghordaur, P.S.- Banma Itahari, Distt.- Saharsa
3. Md. Manjur Alam @ Manjur Alam Son of Sabbir Alam @ Md. Shabbir Alam Resident of Village- Ghordaur, P.S.- Banma Itahari, Distt.- Saharsa
4. Md. Najir @ Najir Ahmad Son of Sabbir Alam @ Md. Shabbir Alam Resident of Village- Ghordaur, P.S.- Banma Itahari, Distt.- Saharsa
5. Barkatullah @ Md. Barkatullah Son of Sabbir Alam @ Md. Shabbir Alam Resident of Village- Ghordaur, P.S.- Banma Itahari, Distt.- Saharsa
6. Md. Yaseen Son of Rakib Alam Resident of Village- Ghordaur, P.S.- Banma Itahari, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioners apprehend arrest in connection with Banma Itahari P.S. Case No. 44 of 2024 dated 21.06.2024 instituted for the offence punishable under Section 341, 323, 324, 307, 354, 379, 426, 427, 504 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence, when Naushad Alam, the brother of the informant carrying iron sariya reached near his house, all the



accused persons surrounded him and started abusing him. Thereafter petitioner no. 1 inflicted knife blows on the neck of her brother due to which he became injured severely. It is also alleged that other petitioners also assaulted him by lathi and fists. Allegation against petitioner no. 5 is that he along with other accused persons entered the house and shop of the informant and damaged the items and they also looted jewellery. It is also alleged that they also outraged the modesty of wife of Md. Naushad on the point of pistol.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that both sides are agnates having land dispute between them. It is submitted that there is case and counter case between the parties. Counter case has been lodged by petitioner no. 1 against the informant side for the offence punishable under Section 341, 323, 324, 307, 506/34 of the Indian penal Code. Both sides have sustained injury in this incident. Learned counsel for the petitioners submits that as per the injury report, the injuries sustained by Md. Naushad are said to be simple in nature. Lastly, it has been submitted that petitioner nos. 3 & 2 have two and one criminal cases respectively against him. Petitioner nos. 1, 4, 5 and 6 have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State and



learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the informant submits that there is specific allegation against the petitioner no. 1 who assaulted on the neck of Md. Naushad, as a result, he sustained multiple injury.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Banma Itahari P.S. Case No. 44 of 2024, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharasa, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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