

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81366 of 2023

Arising Out of PS. Case No.-240 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. Harun Mian, Male, aged about 38 years, Son of Late Hashmat Mian, Resident of Village- Rampur Bhaisahi, P.S.- Kuchaikote, Distt- Gopalganj.
2. Irshad Alam, Male, aged about 19 years, Son of Imamuddin, Resident of Village- Rampur Bhaisahi, P.S.- Kuchaikote, Distt- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Upendra Yadav, Advocate

For the Opposite Party : Mr. Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 20-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kuchaikote P.S. Case No. 240 of 2023 dated 21.05.2023 registered for the offences punishable under Sections 341, 323, 324, 307 and 504/34 of the I.P.C.

3. As per the prosecution case, on 19.05.2023 at about 7.30 P.M., while the work of earth filling was going on the homestead land of the informant, the petitioners and the co-



accused persons having lathi, danda, spear, farsa, knife and sword came and stopped the tractor and trolley on the road and on exhortation of the co-accused Amarshan Khatoon, they encircled his nephew Shakil Ahmad and Irshad (petitioner no. 2) gave sword blow on his head with an intention to kill him causing head injury and blood started oozing and other accused persons assaulted him with lathi and danda. When his another nephew Abdullah Alam came to rescue him, the co-accused Nasiruddin inflicted knife blow on his neck causing injury on the below of nose and mouth. In the meantime, Zabed and Saddam began pressing his neck by putting Gamchha and all the accused persons started pelting bricks. The nearby people came and saved them and brought to Kuchaikote P.H.C., and from there Shakil Ahmad was referred to Sadar Hospital.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is land dispute between the parties. It is further submitted that there is also case and counter case between the parties. It is further submitted that injuries sustained by the informant's nephews, Shakil Ahmad and Abdullah Alam are simple in nature. There is no specific allegation of assault on the informant's nephews against the



petitioner no. 1. It is further submitted that a false allegation of assault with sword on the informant's nephew Shakil Ahmad has been alleged against Irshad Alam (petitioner no. 2). The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gopalganj in connection with Kuchaikote P.S. Case No. 240 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are



liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

