

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81220 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- PAHARKATTA District- Kishanganj

1. Babul @ Gedla Son of Sarfuddin @ Gedla
 2. Absar Alam @ Md. Absar Alam son of Kasimuddin
 3. Anjar Alam @ Anzar son of Late Jamaluddin
- All are Resident of Vilalge - Fulhara, ward no. - 3. PS- Paharkatta, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard Mr. Raj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Surendra Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Paharkatta P.S. Case No.79 of 2024, registered for the offences punishable under Sections 74, 76, 109(1), 115(2), 117(2), 118(1), 126(2), 127(2), 190, 191(2), 191(3), 303(2), 308(2), 352 of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day while the informant was present on his land, in the meantime all the FIR named accused persons, twenty in numbers including the petitioners, came there and surrounded the informant and started abusing and assaulting. In the meanwhile, when the cousin of the



informant, namely Hakimuddin and Pasiruddin came to his rescue, the petitioner no.1 assaulted Hakimuddin by means of axe over his head. The petitioner no.3, Anjar Alam also assaulted the injured Hakimuddin by means of knife in his stomach. The petitioner no.2 allegedly snatched away rupees four thousand. There is further allegation against all the FIR named accused persons of abusing and assault.

4. Learned counsel appearing on behalf of the petitioners primarily contended that in fact on account of a long standing land dispute both the parties have entered into a free fight resulting into injuries to persons of both the sides. The petitioners and their persons have also sustained grievous injuries and in support of the aforesaid contention the photocopies of the injury report have been brought on record by way of Annexure-5. It is next contended that there is an admitted land dispute between the parties giving rise to Title Suit No.119 of 2023, the copies of which is also marked as Annexure-6 to the bail application. There is a counter version of the present case being Paharkatta P.S. Case No.78 of 2024 which is on earlier point of time. Drawing the attention to this Court to the injury report learned advocate for the petitioner thus contented that the injuries report does not corroborate the



prosecution case inasmuch both the injured have sustained simple injuries, so far as the injured Hakimuddin is concerned he has later on sent for C.T scan and the report has not been placed on record. It is lastly contended that the petitioners bear fair antecedent and they undertake that they will not indulge in such type of activities in future.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that apart from the active participation in the crime they have brutally assaulted the informant and his family members resulting in serious injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the long standing dispute between the parties with the factum of case and counter case, coupled with the simple nature of injuries and the fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.,-III, Kishanganj in connection with Paharkatta P.S. Case No.79 of



2024, subject to the conditions laid down in Section 438(2)
Cr.P.C. with the further condition that one of the bailors shall be
the own/close family members of the petitioners.

(Harish Kumar, J)

Prakash Narayan

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