

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81602 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- KANGLI District- West Champaran

1. Wahidul Khan, Son of Badruddin Khan @ Baduruddin Khan R/O Village- Sabaithawa, P.S.- Kangali, Dist.- West Champaran
2. Eklakh Khan, Son of Badruddin Khan @ Baduruddin Khan, R/O Village- Sabaithawa, P.S.- Kangali, Dist.- West Champaran
3. Ashma Khatoon, Wife of Badruddin Khan @ Baduruddin Khan, R/O Village- Sabaithawa, P.S.- Kangali, Dist.- West Champaran
4. Badruddin Khan @ Baduruddin Khan, Son of Late Sakur Khan, R/O Village- Sabaithawa, P.S.- Kangali, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Brij Kishor Mishra, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Kangali P.S. Case No. 46 of 2023 registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 379, 504, 506 of the Indian Penal Code.

3. The prosecution case is based on the fardbeyan of the informant alleging therein that while the brother of the informant was returning to his house, in the meantime, all the



F.I.R. named accused persons intercepted him and started abusing. On protest being made, the petitioners and other started assaulting him with deadly weapons. It is specifically alleged that the petitioner no.1 inflicted Farsa blow on the head of the informant and petitioner no.2 assaulted the uncle of the informant by means of Iron rod. The allegation against the petitioner no.3 is of exhortation and so far the petitioner no.4 is concerned, there is allegation of snatching of Rs.15,000/- and golden chain.

4. It is submitted on behalf of the petitioners that the genesis of the occurrence is said to be a land dispute, resulting into scuffle between the persons of both sides, leading to filing of case and counter case, bearing Kangali P.S. Case No. 47 of 2023. He further submits that so far the injuries allegedly sustained to the injured are concerned, all have been found to be simple in nature, the copies of which have been annexed as Annexure-P/2 Series. He further submits that in fact in the said scuffle, the petitioner nos. 1 and 2 have also sustained injuries at the hands of the informant and his persons, but the prosecution has failed to explain the same. The aforesaid injury report has also been brought on record vide Annexure-P/4. He next submitted that though the petitioners are facing 2-3 criminal



cases over their head, but all are the offshoot of the enmity between the parties and one of the matter relates to matrimonial dispute. He lastly submits that the petitioners undertake that they will not indulge in such type of crime in future and will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State opposes the bail application and submits that all the petitioners are carrying criminal antecedent. That apart, there is specific allegation of assault against them.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the dispute and the case and counter case, coupled with the simple nature of injuries and the undertaking given by the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Kangali P.S. Case No. 46 of 2023, subject to the condition as laid down under Section 438



(2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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