

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81978 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- PAHARKATTA District- Kishanganj

1. Akhtar Hussain @ Md. Akhtar Hussain S/O Fazlur Rahman @ Faizur Rahman Resident of Kulthibari, P.S- Paharkatta, Distt.- Kishanganj.
2. Sajjad @ Md. Sajjad Alam S/O Late Rafique @ Md. Rafique Alam Resident of Kulthibari, P.S- Paharkatta, Distt.- Kishanganj.
3. Tarique @ Md. Tarique Azam S/O Alamgir Resident of Chhagalia, P.S- Paharkatta, Distt.- Kishanganj.
4. Anwar @ Md. Anwar Reza S/O Alamgir Resident of Chhagalia, P.S- Paharkatta, Distt.- Kishanganj.
5. Dilbar @ Dilbahar S/O Alamgir Resident of Chhagalia, P.S- Paharkatta, Distt.- Kishanganj.
6. Alamgir @ Md. Alamgir S/O Late Arshad Ali Resident of Chhagalia, P.S- Paharkatta, Distt.- Kishanganj.
7. Tarun Nisha @ Tehrun Nisha W/O Alamgir Resident of Chhagalia, P.S- Paharkatta, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Adv
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 04-12-2024 Heard learned Counsel for the petitioners and

Learned APP for the State.

2. The petitioners seeks bail in connection with

Paharkatta P.S. Case No. 105 of 2024 instituted for the offences

punishable under Section 329(3), 126(2), 115(2), 118(1),

109(1),74, 76, 303(2), 352, 351(2), 3(5) of the Bharatiya Nayay

Sanhita, 2023.



3. As per the prosecution case, F.I.R. has been lodged against eight named and 4 to 5 unknown accused persons including the present petitioner against whom there is an allegation that they were taking signature of informant's brother namely Naushad on plain paper on gun point to which his brother was denying and on denial, petitioner's have assaulted the informant's brother.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that petitioner No. 3, 4, 5 and 7 have clean antecedent. However, petitioner No. 1, 2 and 6 has one antecedent. He further submits that on order of Alamgir, Akhtar assaulted on head of Naushad by means of sharp edge weapon and as he fell down on land then Tarique assaulted on his wound repeatedly by means of bricks, thereafter, all accused persons assaulted him by means of Lathi, Danda, Farsa and Iron rod. During that course, Sajjad snatched bag in which Rs. 6,50,000/- was kept. He further submits that there is land dispute going on between the petitioners and informant

5. Learned counsel for the State opposes the prayer for bail of the petitioners.

6. From perusal of the injury report of Md. Naushad



and Bakali Khatoon which is annexed as Annexure P/2 (series), it appears that Md. Naushad sustained only one injury upon his frontal head and nature of injury is simple in nature caused by hard and blunt substance whereas no external injury was found upon Bakali Khatoon at the time of examination.

7. Considering the aforesaid facts and circumstances of the case and the submissions made on behalf of the petitioners, let the above named petitioners be released on bail in the event of his arrest or surrender before the trial Court within a period of six weeks from today on furnishing bail bond of Rs 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Kishanganj in connection with Paharkatta P.S. Case No. 105 of 2024 subject to the condition laid down under Section 482(2) of BNSS, 2023

(Ramesh Chand Malviya, J)

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