

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83887 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- HAYAGHAT District- Darbhanga

1. Md. Anwar Hussain @ Anwar Hussain S/O Late Amir Hussain,
 2. Md. Mister, S/O Md. Anwar Hussain,
 3. Md. Heera, S/O Md. Anwar Hussain,
 4. Md. Shubhan @ Md. Subhan, S/O Md. Allauddin,
 5. Md. Shamshul @ Nadaf @ Md. Samsul Nadaf S/O Late Armi @ Amir Hussain,
 6. Md. Shamim @ Shami, S/O Md. Shamshul
- All are residents of village- Rustampur, P.S- Hayaghat, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-03-2024 Heard learned counsels for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Hayaghat P.S. Case No. 98 of 2023 registered for the alleged offences under Sections 341, 323, 308, 354, 379, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners assaulted the informant when he opposed their act of raising a construction on his land. Allegation against the petitioners Md. Mister and Md. Subhan is that of giving sword and farsa blow to



the informant causing injuries to him. The assailants also took away Rs.20,000/-, gold chain and mobile phone from the informant. The father, brother and sister of the informant were also assaulted.

4. The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case in the background of dispute over a piece of land since the petitioner no.1 has claimed title over the suit land. The present case is counterblast of Hayaghat P.S. Case No.93 of 2023 lodged by the daughter of the petitioner no.1 against the informant and others as the informant and others entered into the house of the petitioner no.1 and abused and assaulted the family members while damaging the household articles. There is counter version of the present case as Hayaghat P.S. Case No.99 of 2023 has been registered by the daughter of the petitioner no.1. The learned counsel further submits that the injury reports of the informant and one Md. Alam show simple injuries caused by hard and blunt substance, but there is specific allegation against the petitioners Md. Mister and Md. Subhan of causing injury by sword and farsa and the said allegation gets falsified in the light of the injury reports. The learned counsel further submits that the petitioner nos. 1, 2, 3 and 6 have got criminal antecedent of



one case, whereas the petitioner nos. 4 and 5 have got no criminal antecedent.

5. Learned APP vehemently opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties in the background of land dispute and further considering simple and non-corroborative nature of injuries and also considering the possibility of false accusation, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Darbhanga, in connection with Hayaghat P.S. Case No. 98 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so



required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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