

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2395 of 2024

Arising Out of PS. Case No.-55 Year-2023 Thana- MATIYARIA District- West Champaran

Suleman Ansari Son of Late Md. Ali Ansari Village -Daraul P.S. -Matiyariya
Dist -West Champaran (Bettiah)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aditya Nath Jha, Advocate
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Aditya Nath Jha, learned counsel appearing on behalf of the petitioner and Mr. Dr. Mrityunjaya Kr. Gautam, learned Additional Public Prosecutor for the State. The informant is represented by Mr. Bimlesh Kumar Pandey, learned counsel.

2. The petitioner apprehends his arrest in connection with Matiyariya P.S. Case No. 55 of 2023, registered for the offences punishable under Sections 341, 323, 324, 379, 307 and 504/34 of the Indian Penal Code.

3. Allegedly, while the informant along with the others were planting paddy crops in the field, in the meantime, all the accused persons, including the petitioner, armed with deadly weapons came there and started abusing and assaulting. It is specifically alleged that co-accused 'Khalid Ansari',



assaulted the informant by means of *dab*, due to which he sustained head injury, whereas, this petitioner assaulted the nephew of the informant 'Md. Shami' over his stomach, by means of *bhala*, causing serious injuries.

4. It is submitted on behalf of the petitioner that the parties are agnates and there is ongoing land dispute, pending between them. On the alleged date of occurrence also, on account of such dispute, a scuffle took place between the persons of both the sides, wherein, some injury has sustained to the persons of both the sides, however, so far the injury sustained to 'Md. Shami' is concerned, the same has been found to be simple in nature. The injury report has been brought on record by way of Annexure – P/4 series. He next submitted that co-accused 'Khalid Ansari' against whom, there is allegation of giving *dabia* blow, he has been allowed the privilege of anticipatory bail, taking into consideration that the injury was found to be simple in nature, by the learned co-ordinate Bench of this Court in Cr. Misc. No. 748 of 2024 vide order dated 24.01.2024, the copy of which has been placed on record. While concluding his submissions, learned counsel for the petitioner further submitted that though the petitioner is found accused in four other criminal cases, but all the cases have been instituted



on account of land dispute and he has not been sent up for trial.

5. On the other hand, learned counsel for the State as well as informant opposed the pre-arrest bail application and submits that apart from the four criminal antecedent, it is the fact that the injury report corroborate the allegation that 'Md. Shami' has sustained a sharp cut injury over his stomach, which is attributed to the petitioner, moreover, the nature of injury is of not much relevance, if the same has sustained on vital portion of the body.

6. Regard being had to the submissions made on behalf of the parties and considering the long standing land dispute and the nature of injury and also the fact that co-accused, having similar allegation, has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his 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 Chief Judicial Magistrate, West Champaran (Bettiah) in connection with Matiyariya P.S. Case No. 55 of 2023, 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 petitioner.

7. However, before accepting the bail bond, the learned Court below would be under obligation to verify the statement of the petitioner, as to whether the cases, which have been mentioned in paragraph no. 3, the petitioner has been sent up for trial or not

(Harish Kumar, J)

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