

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4799 of 2024

Arising Out of PS. Case No.-204 Year-2023 Thana- JOGBANI District- Araria

1. MD. HUSSAIN SON OF LATE MD. AIYUB @ AIYUB RESIDENT OF VILLAGE - AMAUNA, WARD NO.20, P.S. - JOGBANI, DISTRICT - ARARIA
2. MD. RIJWAN SON OF MD. BASEER RESIDENT OF VILLAGE - AMAUNA, WARD NO.20, P.S. - JOGBANI, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Ziaul Quamar
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-02-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Jogbani Police Station Case No. 204 of 2023, dated 29.07.2023, disclosing offences punishable under Sections 147/148/149/120-B/ 448/341/ 342/ 323/324/354-B/379/307/504/ 506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 26.07.2023, while the informant was at her home, all the accused persons, including the petitioners, arrived there with lathi, danda, dagger, sword, fire arm etc and co-accused Mojamnil caught the informant by her



hair and assaulted her by means of butt of the pistol on head. The petitioner no.1 and co-accused Habibur Rahman assaulted the informant on her eye and nose by means of dagger, as a result of which the informant fell down and became unconscious. The petitioner no. 2 assaulted the informant by means of iron-rod on her head.

4. Learned Counsel for the petitioners submits that both the parties are neighbours and there is land dispute between them. He further submits that the side of the petitioners has lodged First Information Report for an occurrence which has taken place on the same date, which is prior in time, stating therein that while the petitioners' side were constructing the house, the side of the informant objected to that, which led to the scuffle between the parties and one more First Information Report was lodged by the side of the informant against the petitioners' side. There is fracture injury of nose of the informant, which has been described as grievous, but the same is not the vital part of the body and the injury caused due to the assault made by the petitioner no. 2 has not been brought on record by the prosecution.
5. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the fact that there is previous enmity between the parties, case and counter case is there and the injury caused to the informant is not on the vital part of her body, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Jogbani Police Station Case No. 204 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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