

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6821 of 2025

Arising Out of PS. Case No.-368 Year-2024 Thana- AMAUR District- Purnia

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1. Md. Mustiyak @ Mustiyar Son of Ainul Resident of Village - Dalmapur, P.S. - Amaur, District- Purnea
 2. Abu Kalam @ Kalam Son of Late Jainul Resident of Village - Dalmapur, P.S. - Amaur, District- Purnea
 3. Abdul Salam @ Salam Son of Late Jainul Resident of Village - Dalmapur, P.S. - Amaur, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr.Arvind Kumar, Advocate
For the Opposite Party/s :		Mrs.Nirmala Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-05-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Amaur P.S. Case No. 368 / 2024 dated 26.09.2024 registered under Sections 191(2), 191(3), 126 (2), 115(2), 118, 109, 303(2), 76, 352, 351 (2) of the Bharatiya Nyaya Sanhita , 2023.

3. As per the first information report on 22.09.2024 at about 8:30 PM while the informant's son was returning home after purchasing some household items, he was surrounded by the petitioner no. 1 and the co-accused / Mohd. Tabrez and they started abusing him and told why he had beaten his son. Subsequently, both started assaulting the informant's son by



fists and slaps. The moment the informant got information she went there there with her husband and protested, in the meanwhile, other family members of Mustiaq's family arrived including the petitioners having lathi and danda in their hand. When the informant's another son Armaan reached there then on the order of co-accused / Tabrez, the co-accused Jubair assaulted with farsa on the head of informant's husband Md. Ghyas. The co-accused Abu Talim assaulted son of the informant Md. Arman and Lukman with iron rod and petitioner no. 2 assaulted the informant by fists and slaps and torn her clothes.

4. Mr. N.K. Agarwal learned senior counsel for the petitioners submits that both the parties are neighbours and dispute arose between them due to quarrel between children. A counter case has been lodged by the side of the petitioners bearing Amaur P.S. Case No. 360 of 2024 and there is three days delay in lodging the F.I.R. There is no specific allegation of assault against the petitioners on the husband and son of the informant. Specific allegation of assault upon the informant's husband and son is against Jubair and Abu Talim.

5. On the other hand, learned counsel for the State submits that informant's husband and son have sustained grievous injury and the injury sustained by informant's husband is dangerous to



life.

6. Having regard to the submission made by the parties, taking into consideration the fact that both the parties are neighbours having dispute due to quarrel of children, case and counter case is there and injury sustained by the victims are not attributable to the petitioners as per the F.I.R. accordingly I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Purnea in connection with Amaur P.S. Case No. 368 of 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

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