

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66918 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- Pothia District- Katihar

1. Md. Majahdul Islam @ Mojahid @ Md. Mujahidul Islam S/O Late Quayum Resident of Village- Kusiari Ward No.12, P.S.- Pothiya, District- Katihar.
2. Md. Manowar @ Toofani S/o Late Quayum Resident of Village- Kusiari Ward No.12, P.S.- Pothiya, District- Katihar.
3. Md. Sanowar @ Tumiya S/o Late Quayum Resident of Village- Kusiari Ward No.12, P.S.- Pothiya, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Sinha, Advocate.
		Mr. Md Musowir, Advocate.
For the State	:	Mr. Ashok Kumar Singh, APP.
For the Informant	:	Mr. Hafiz Shahbaz Arif, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-03-2025 Heard Mr. Pankaj Kumar Sinha, learned counsel along with Mr. Md. Musowir, learned counsel appearing on behalf of the petitioners; Mr. Ashok Kumar Singh, learned APP for the State and Mr. Hafiz Shahbaz Arif, learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Pothiya P.S. Case No. 38 of 2024 registered for the offence punishable under Sections 341, 342, 323, 324 and 307/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., all the



accused persons assaulted the brother of the informant Md. Jasim with an intention to kill him, in which he sustained grievous injury.

4. Learned counsel appearing on behalf of the petitioners admitting the fact that the injury is grievous in nature submitted that the same cannot be attributed to the petitioners in want of any specific allegation made against the three petitioners. Learned counsel further submits that there is land dispute between the parties and Jamabandi of the land in dispute is in the name of the petitioner. Petitioners have clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners and submitted that the petitioners are three in number and they have jointly assaulted the brother of the informant, in which the brother of the informant has sustained three injuries, one on the shoulder and two on the scalp, which are grievous in nature.

6. Having considering the rival submissions made on behalf of the parties, as well as, the allegation made in the F.I.R., it appears from the injury report that the brother of the informant has sustained injury on the scalp, which is grievous in nature, the *mens rea* cannot be denied, I am not inclined to



enlarge the petitioners on pre-arrest bail.

7. The petitioners, if so advised, may surrender before the learned District Court and seek regular bail. The learned District Court is directed to consider the regular bail application of the petitioners on the same day.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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