

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79501 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- BHAGWANPUR HAT District- Siwan

1. Kamruljama @ Md. Kamrujjama @ Gudar Son of Late Shekh Hafij Resident of Village - Goplpur Mirhata, P.S. - Bahwanpur Hat, District - Siwan
2. Md. Niyamudin @ Niyamuddin @ Sadhu @ Nijamuddin Son of Late Shekh Hafij Resident of Village - Goplpur Mirhata, P.S. - Bahwanpur Hat, District - Siwan
3. Md. Wasim @ Wasim Ali Son of Kamruljama @ Md. Kamrujjama @ Gudar Resident of Village - Goplpur Mirhata, P.S. - Bahwanpur Hat, District - Siwan
4. Shamsa Khatun Wife of Kamruljama @ Md Kamrujjama @ Gudar Resident of Village - Goplpur Mirhata, P.S. - Bahwanpur Hat, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 22-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Bhagwanpur Hat P.S. Case No.37 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

3. The First Information Report has been lodged against eight persons of the same family with regard to the assault. The allegation against petitioner no.1 is that of assault



upon the informant by Farsa on his head. Petitioner no.2 is said to have assaulted with sword upon Md. Siraj on the left hand thumb. There is an allegation of assault with Saria upon Md.Arshad Raja on his head by petitioner no.3 and against petitioner no.4, it has been alleged that he along with one co-accused Rashida Khatoon assaulted the informant's wife and snatched her chain.

4. It has been submitted by learned counsel for the petitioners that the informant Md. Israfil has suffered three injuries out of which injury no.1 and 3 have been found to be simple in nature but the injury no.2 is grievous, which is upon the hand, which is a non-vital part of the body. The injury report of Md. Siraj would go to show that he suffered three injuries out of which one injury is said to be grievous, which is on the thumb, which is once again a non-vital part of the body. So far as injury of Rukhsana Khatoon is concerned, the injuries suffered by her are simple in nature.

5. It has, thus, been submitted by learned counsel for the petitioners that all the allegations attributed to the petitioners have not caused any grievous injury to any person on his vital part of the body. Moreover, there is a land dispute between the parties with regard to which a free fight had taken place



between both the sides and there is a case and counter case and the injuries have been suffered on the side of the accused persons also. Annexure-2 series and Annexure-3 have been brought on record to substantiate the said claim.

6. Learned APP for the State opposes the prayer for anticipatory bail on the ground that these petitioners have caused injuries to the informant and others and also that these petitioners are also accused in two other cases. In response to the same, it has been submitted by learned counsel for the petitioners that the two cases earlier lodged against them have been filed by the informant and his family and they are on bail in both the cases.

7. Taking into consideration the abovementioned facts and circumstances of the case, I am inclined to extend the privilege of anticipatory bail to the petitioners. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned 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 the learned C.J.M., Siwan in connection with Bhagwanpur Hat P.S. Case No.37 of 2023, subject to the condition as laid down under Section 438



(2) of the Cr.P.C. and subject to the further condition that:-

(i) The petitioners shall cooperate in the investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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