

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86916 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- SUGAULI District- East Champaran

1. Musharaf Khan @ Parvej Musharaf S/O Mahmad khan @ Mahmood Khan R/O Vill.- Nakardei, P.S.- Sugauli, Dist.- East Champaran.
2. Sahail Khan @ Sadre Alam @ Sohail Khan S/O Sadruddin Khan @ Sardrudin Khan R/O Vill.- Nakardei Paithanpatti, P.S.- Darpa, Dist.- East Champaran.
3. Ossi Alam Khan @ Oshi Alam Khan @ Osim Alam @ Vasi Alam S/O Sadruddin Khan @ Sardrudin Khan R/O Vill.- Nakardei, P.S.- Sugauli, Dist.- East Champaran.
4. Naushad Khan @ Naushad Alam S/O Abdullah Khan R/O Vill.- Nakardei, P.S.- Sugauli, Dist.- East Champaran.
5. Samshad Khan S/O Abdullah Khan R/O Vill.- Nakardei, P.S.- Sugauli, Dist.- East Champaran.
6. Sowayada Khatoon @ Soaiba Khatoon W/O Sadruddin Khan @ Sardrudin Khan R/O Vill.- Nakardei, P.S.- Sugauli, Dist.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Sugauli P.S. Case No. 168 of 2024, disclosing offences punishable under Sections 341, 323,307, 427, 504, 506, 379, 34 of the Indian Penal Code.
3. As per the prosecution case, on 13.04.2024, in the



afternoon, the elder son of the informant came along with family members of his sasural and started demanding partition in the house. On protest, the petitioner no.1 started assaulting with Lathi to the husband of the informant and the petitioner no. 2 handed over bhala(spear) to petitioner no.1 who assaulted the informant's husband by lathi and bhala on his head. Other accused persons, including the petitioners, also assaulted the son of the informant with lathi, danda and damaged the house. Due to the assault made by the accused persons, both sons of the informant and her husband sustained injuries.

4. Learned Counsel for the petitioners submits that both the parties are closely related and there is dispute regarding partition between them. There is case and counter case between the parties, inasmuch as the wife of petitioner no. 1 has lodged Sugauli P.S. Case No. 167 of 2024 against the informant and others. Some of the petitioners have also sustained injuries, which would be evident from Annexure 2 series.

5. Having regard to the submissions made on behalf of the parties and considering the materials on record, including the impugned order, it appears that the informant's husband i.e. father of the petitioner no.1 has sustained three injuries including the injury on his head in the mid parietal region. There is specific allegation of assault against petitioner no.1 upon his



father who sustained injury in the mid parietal region and the opinion regarding the nature of injury has been reserved by the doctor but it appears that he has sustained injury of 4cmx0.5cmx0.5cm in the mid parietal region. Accordingly, I am not inclined to grant the privilege of anticipatory bail to petitioner no.1.

6. This application, so far as petitioner no. 1 is concerned, is, accordingly, dismissed.

7. Insofar as the allegation against petitioner nos. 2 to 6 is concerned, there is general and omnibus allegation against them, case and counter case is also there between the parties and some of the petitioners have also sustained injury, I am inclined to grant the petitioner nos. 2 to 6 privilege of anticipatory bail.

8. This application, so far as petitioner nos. 2 to 6 is concerned, is, accordingly, allowed.

9. Let the petitioner nos. 2 to 6, above named, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, East Champaran, at Motihari, in connection with Sugauli P.S. Case No. 168 of 2024, subject to the condition laid down under



Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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