

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88879 of 2024

Arising Out of PS. Case No.-245 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Amir Ahmad Khan @ Md. Amir Ahamad Khan @ Md. Amir Ahmad Khan
S/O Late Md. Ashraf Khan R/O Village And P.O.- Kewas Nijamat, P.S.-
Samastipur Muffasil, District- Samastipur
 2. Md. Yasir Khan S/o Amir Ahmad Khan @ Md. Amir Ahamad Khan @ Md.
Amir Ahmad Khan R/o Village and P.O.- Kewas Nijamat, P.S.- Samastipur
Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv.
For the Opposite Party/s : Mr.Rajendra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending
their arrest in connection with Samastipur(M) P.S. Case No. 245 of
2024 registered for the alleged offences under Section 331(3),
127(2), 109, 115(2), 76, 352, 351(2), 351(3), 3(5) of the Bharatiya
Nyaya Sanhita.

03. As per prosecution case, petitioners and other co-
accused persons who were variously armed abused the informant
and entered into his house and assaulted him causing fracture of
his head. The sister of the informant was also put down by the
assailants and was assaulted with *lathi* and *danda*.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners for causing injury though it is alleged that they were armed with lathi and axe respectively. It has nowhere been mentioned on which body part the petitioners assaulted the informant. The allegation of outraging the modesty of the sister of the informant is against petitioner no. 2 and other co-accused persons but the said allegation is completely false and concocted. Learned counsel further submits that it was a case of free fight in the background of land dispute and both sides sustained minor injuries. There is case and counter case between the parties and co-accused Md. Rizwan lodged Muffasil P.S. Case No. 244 of 2022 dated 06.07.2022 under Section 126(2), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita against informant and his family members. The petitioners are father and son and petitioner no. 2 is student of B.Tech. Petitioner no. 1 is having antecedent of one case whereas petitioner no. 2 is having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners. Learned A.P.P. submits that specific allegation against the petitioners is that they entered into the house of the informant and assaulted informant and his sister.



06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation and also considering the probability of false accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of A.C.J.M. -2nd, Samastipur in connection with Samastipur(M) P.S. Case No. 245 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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