

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90225 of 2024

Arising Out of PS. Case No.-374 Year-2024 Thana- DEHRI TOWN District- Rohtas

1. Md. Isfaq @ Ashfaq Ahamad S/o- Md. Yaseen @ Md. Yasim Mohalla- Patel Gali ward no 17 PS- Dehri District-Rohtas
2. Najma Khatoon W/o- Md Isfaq @ Ashafq Ahmad Mohalla- Patel Gali ward no 17 PS- Dehri District-Rohtas
3. Md. Gurfan @ Md. Gurfan Ahamad @ Gufran Ahmad S/o- Isfak @ Md. Ashfaq Ahmad @ Md. Isfaq Mohalla- Patel Gali ward no 17 PS- Dehri District-Rohtas
4. Md. Irfan S/o- Md. Isfaq @ Md. Ashfaq Ahmad Mohalla- Patel Gali Ward NO 17 PS- Dehri District-Rohtas
5. Md. Irshad @ Md. Irshad Ahamad S/o- Isfaq @ Md. Ashfaq Ahmad Mohalla- Patel Gali Ward NO 17 PS- Dehri District-Rohtas
6. Md. Kaif S/o- Md. Ishfaq @ Ashafaq Ahmad Mohalla- Patel Gali Ward NO 17 PS- Dehri District-Rohtas
7. Md. Kaish S/o- Md. Isfaq @ Ashfaq Ahmad Mohalla- Patel Gali Ward NO 17 PS- Dehri District-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-01-2025
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Dehri Town Police Station Case No. 374 of 2024, dated 05.06.2024, disclosing offences punishable under Sections 307/354/341/323/324/34 of the Indian Penal Code.
 3. The prosecution case, as per the First Information Report,



is that on 02.06.2024, while the informant was taking water from the hand-pump situated in the courtyard of the house, the petitioners, armed with lathi, danda, iron rod, came there and started assaulting the informant and when the daughter-in-law of the informant intervened to save him, the petitioners also assaulted her. It has further been alleged that on 03.06.2024, in the morning, when the informant was going to the Police Station in order to report the incident, the petitioners surrounded her and started abusing her. When objected by the informant, the petitioner no. 4 assaulted the son of the informant by iron rod on his head, due to which he sustained head injury. The petitioner no. 4 again inflicted iron rod upon the son of the informant and this time, he sustained injury in his hand.

4. Learned Counsel for the petitioners submits that both the parties are agnates having dispute over use of the common space, i.e. courtyard. He further submits that there is general and omnibus allegation against the petitioners. He further submits that from the injury report of the son of the informant, it would be evident that apart from other injuries, he sustained injury in his right thigh



and this injury is not corroborated by the allegation levelled in the First Information Report inasmuch as the informant alleged that the petitioner no. 4 assaulted the son of the informant, due to which he sustained injuries on his head and hand. He next submits that the occurrence has taken place on 02.06.2024 and 03.06.2024, but the written report/First Information Report has been lodged on 05.06.2024 after a delay of two days. The informant and others have sustained simple injuries except the son of the informant near the thigh, said to be grievous in nature. From perusal of Annexure-3, i.e. injury report of the son of the informant, it appears that the victim was brought to the hospital by his relative for treatment on 03.06.2024 without any O. D. Slip. Again, he was brought to the hospital by the police with O. D. Slip on 13.06.2024. The other two injuries on the forehead and the thumb/hand of the son of the informant are simple in nature except the injury no. 3 on the thigh, grievous in nature, which do not corroborate the allegation made in the First Information Report. Regarding injury on the thigh examined by the doctor on 13.06.2024, it has been said in the injury report that the



age of the injury is within 1-2 hours.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact both the parties are agnates, there is general and omnibus allegation against the petitioners and the injuries sustained by the son of the informant do not corroborate the allegation levelled in the First Information Report, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Sub Divisional Judicial Magistrate, Dehri, Rohtas, in connection with Dehri Town Police Station Case No. 374 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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