

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53364 of 2019**

Arising Out of PS. Case No.-345 Year-2018 Thana- CHAINPUR District- Kaimur (Bhabua)

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1. Rafique Khan @ Niyaz Khan aged about 45 years male, Son of Kamalu Khan @ Kamaluddin Khan, Resident of Village- Araeil, P.S.- Chainpur, District- Kaimur (Bhabhua).
2. Imtiyaz Khan aged about 52 years, Son of Kamalu Khan @ Kamaluddin Khan Resident of Village- Araeil, P.S.- Chainpur, District- Kaimur (Bhabhua).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Najmul Hodda, Adv.  
For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      26-08-2019                      Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Chainpur P.S. Case No. 345 of 2018 registered under sections 147, 148, 149, 324, 307, 504, 506 of the IPC and 27 Arms Act.

The allegation against the petitioners, as per the first information report, is that petitioners along with other accused persons, 15 in number, fired upon brother of the informant causing him fire arm injury.

Learned counsel appearing for the petitioners submits that both the parties are co-villagers and there is a land dispute



between them and there is case and counter case between the parties, inasmuch as the petitioners have also lodged Chainpur P.S. Case No. 336 of 2018 and 347 of 2018. Learned counsel relying upon Annexure-2, which is injury report of the brother of informant, submits that injury caused to the victim is not by fire arm but it appears that injury is caused by hard and blunt substances.

Learned counsel further submits that similarly situated accused persons have been granted bail by this case in Criminal Miscellaneous No. 31978 of 2019 (Annexure-3).

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are co-villagers and there is land dispute between them and there is case and counter case between the parties, and injury sustained to the victim is to be caused by the hard and blunt substance and similarly situated accused persons have been granted bail, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, both the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned A.C.J.M. II,  
Bhabhua in connection with Chainpur P.S. Case No. 345 of  
2018 subject to the conditions as laid down under Section  
438(2) of the Cr.P.C.

**(Anil Kumar Sinha, J)**

Anjula/-

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