

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38683 of 2019

Arising Out of PS. Case No.-251 Year-2017 Thana- BHARGAMA District- Araria

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1. MD. JAHANGIR @ MD. JAHANGIR ALAM Son of Late Sirajuddin Resident of Village- Dharapatti, Police Station- Bhargama, District- Araria.
 2. Md. Alamgir @ ALAMGIR Son of Late Sirajuddin Resident of Village- Dharapatti, Police Station- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Nand Poddar

For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 12-06-2020 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant.

This application for grant of anticipatory bail arises out of Bhargama P.S. Case No. 251 of 2017, disclosing offence under Sections 147, 149, 341, 323, 324, 325 354(b), 427, 379, 307, 504 and 506 of the Indian Penal Code.

Case diary has been called for, which is there on the record.

Learned counsel appearing on behalf of the petitioner has submitted, at the very outset, that it is evident from the F.I.R. itself that land dispute between the parties is the reason



behind lodging of the criminal case. It is also evident that before the occurrence, an altercation had taken place in respect of the land dispute between the parties, which had led to said occurrence and subsequent filing of the present case and a counter case. He has further submitted that both the sides have sustained injuries.

Learned counsel appearing on behalf of the informant has vehemently opposed the prayer for bail and has submitted that there is specific allegation against the petitioner no. 2 of having assaulted the informant and one Mursalim. He has submitted that the injury sustained by the said Mursalim has been found to be grievous in nature.

This is to be noted that when the matter was taken up on 25.06.2019, the prayer for anticipatory bail made by the petitioner no. 1 was rejected and for considering such prayer on behalf of the petitioner no. 2, case diary was called for and he was granted interim protection.

Case diary has been received. It is true that the injury sustained by the said Mursalim has been found to be grievous in nature. However, there is no material to suggest that the petitioner no. 2 has ever misused the privilege of interim protection granted in his favour by this Court. Since land



dispute was the apparent reason leading to the occurrence, in my opinion, a case for grant of anticipatory bail is made out.

This application is accordingly allowed.

Let the petitioner no. 2 above named in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 251 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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