

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35288 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

1. SUHAIB ALAM Son of Nure Alam Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).
2. Mahtab Alam Son of Nure Alam Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).
3. Firdaush Alam Son of Nure Alam Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).
4. Irshad Alam Son of Nure Alam Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).
5. Saif Alam Son of Nure Alam Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).
6. Aahsan Alam Son of Nure Alam Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).
7. Nure Alam Son of Mahbub Miya Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).
8. Israr Ansari Son of Sarafat Ansari Resident of village - Gangwaliya, P.S.- Kudra, District - Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.



The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 307, 427, 504, 506 and 34 of the Indian Penal Code.

Allegedly, all the FIR named accused persons including the petitioners encroached some portion of land of the informant and when informant and his son went there then the accused persons chased them and assaulted the son of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that there is an admitted land dispute between the parties. In the alleged occurrence, both sides have sustained injuries and there is a case and counter-case between the parties. Both sides have sustained grievous injuries. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since both sides have sustained grievous injuries and there is case and counter-case between the parties, let the above named



petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kudra P.S. Case No.112 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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