

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29412 of 2023

Arising Out of PS. Case No.-1025 Year-2022 Thana- ARA NAGAR District- Bhojpur

Md. Samid @ Shameer Siddique, S/O- Md. Jouhar, Mohalla- Dharahara Ps-
Ara Town Dist- Bhojpur Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha, Advocate
For the Opposite Party/s	:	Mrs. Sharda Kumari, APP
For the Informant	:	Md. Sufyan, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
App for the State as well as learned counsel for the informant.

2. In this case, the petitioner is apprehending his arrest in connection with Ara Town P.S. Case No. 1025 of 2022, registered on 13.12.2022 for the offences under Sections 147, 149, 341, 323, 307, 384 and 379 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons demanded extortion money amounting to Rs. 4,00,000/- from the father of the informant and on his failure to do so, the petitioner and other co-accused persons, who were variously armed, and also in order to capture his land, assaulted the father of the informant. Allegation against the petitioner and other co-accused is that they assaulted the father of the informant with *lathi* and he fall down but these assailants continued to hitting



him. Co-accused snatched a gold chain from the father of the informant and some money from his pocket. When the other family members of the informant tried to save the father of the informant, they were also assaulted and further allegation against the petitioner is that he took away a mobile phone from the brother of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after delay of two days for which there is no satisfactory explanation. The informant has filed this case in order to save him and others from a case lodged by co-accused Md. Faiz bearing Ara town P.S. Case No. 1022 of 2022 registered under Section 341, 323 and 307/34 of the I.P.C. This case was lodged for the occurrence of the same date and in retaliation thereof the informant has lodged this false case. In fact the informant side is aggressor and they came to the land of the petitioner with some antisocial elements and scuffle took place and both sides received injuries. Learned counsel further submits that there is case and counter case and free fight between the parties in the background of admitted land dispute as a Title Suit No. 744 of 2021 is also pending before the learned Sub Judge-VI, Ara. Even there is an injunction in favour of the petitioner's side with respect to the said land between the parties. The father of the informant



always wanted to grab this land and on the fateful day he went with some brokers and some altercation took place between the parties. This petitioner is falsely implicated in this case by the informant due to previous enmity and also to save himself from Ara Town P.S. Case No. 1022 of 2022. Learned counsel further submits that father of the informant received only one injury and this belies the allegation made in the FIR so there is no repetition of blow in attempt to kill the father of the informant. Learned counsel further submits that the co-accused persons, namely, Faiz Alam and Md. Amish have been granted bail by a Co-ordinate Bench of this Court vide order dated 14.06.2023 passed in Cr. Misc. No. 19810 of 2023. Petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant oppose the prayer for bail. Learned counsel for the informant submits that there is specific allegation against this petitioner for hitting on the father of the informant with *lathi* and snatching mobile phone from the brother of the informant. Injury report also shows one injury on the left parietal region and the said injury is stated to be grievous in nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering admitted land disputed between the parties along with case and counter case between them and also considering the grant of anticipatory bail to other co-accused, let the petitioner above



named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur/concerned court in connection with Ara Town P.S. Case No. 1025 of 2022, subject to the conditions as 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 petitioner.
- (ii) The petitioner 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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