

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36302 of 2023

Arising Out of PS. Case No.-226 Year-2021 Thana- NARPATGANJ District- Araria

1. Md Israil S/O Md Siddique R/O Village-Shaikh Tola, Dumaria, Ward No. 15, P.S. Narpatganj, Dist. Araria
2. Md. Kuddus S/O Md. Siddique R/O Village-Shaikh Tola, Dumaria, Ward No. 15, P.S.- Narpatganj, Distt.- Araria
3. Md. Mustafa S/O Md. Israil R/O Village-Shaikh Tola, Dumaria, Ward No. 15, P.S.- Narpatganj, Distt.- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 447, 347, 341, 147, 149, 323, 325, 327, 354(B), 379, 504 and 506 of the Indian Penal Code.

3. As per prosecution, total nine named and others unnamed accused persons were entered in the field of the informant and started looting the maize crop. Upon information informant reached there and identified nine named accused persons. Upon request for not to commit loot, petitioner no.1

ordered to assault the informant and allegation against petitioner no.2 and 3 are to outrage the modesty of the informant and there is general and omnibus allegation about snatching of silver chain is there in the F.I.R. against other accused persons. However, allegation against the petitioner no.1 is that he further ordered to kill the informant but anyhow she left the place and saved her life.

4. Learned counsel for the petitioners submits that from the content of the F.I.R. itself it is very much clear that there is a pending land dispute exist between the informant and the accused persons. The detail of the case number was informed by the petitioner. Counsel further submits that in title suit the informant won against whom the petitioners' side have filed the appeal which is pending. Counsel further submits that the present criminal case has been filed against the petitioners with a view to create pressure on them, nothing else. Counsel further submits that from the content of F.I.R. it become crystal clear that the date of occurrence is 17.05.2021 and case has been lodged on 21.05.2021 i.e. delay of about 5 days and no plausible explanation has been made in the F.I.R. of the same. Counsel also submits that the antecedent of the petitioners are clean.

5. Learned A.P.P. for the State submits that as per the

allegation made in the F.I.R. the petitioner no.1 is the order giver and specific allegation is against petitioner no.2 and 3 to outrage the modesty. He also submits that as per the present status title suit has been decided in favour of the informant and therefore, the accused persons till disposal of the title appeal must not visit in the field of the informant.

6. In this view of the matter, this Court is not inclined to extend the privilege of anticipatory bail to the petitioners in connection with Narpatganj P.S. Case No. 226 of 2021 to the satisfaction of learned A.C.J.M.-Vth, Araria.

7. Accordingly, the prayer for anticipatory bail of the petitioners stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of four weeks.

9. The present order shall not cause any prejudice to the petitioners.

(Dr. Anshuman, J.)

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