

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40050 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- PAHARPUR District- East Champaran

1. Sadam Alam @ Sadam Hussain son of Mir Isarafil Village- Sareya Tola Garhwa Ps- Paharpur Dist- East Champaran
2. Firoz Alam @ Md. Firoz son of Mir Isarafil Village- Sareya Tola Garhwa Ps- Paharpur Dist- East Champaran
3. Saheb Alam son of Mir Isarafil Village- Sareya Tola Garhwa Ps- Paharpur Dist- East Champaran
4. Sehal Alam son of Mir Isarafil Village- Sareya Tola Garhwa Ps- Paharpur Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-08-2023 Heard both parties.

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

3. Prosecution case in brief is that on the alleged date and time of occurrence, all the FIR named accused persons including petitioners having weapons in their hands were doing construction work in the land of informant and when the mother of informant raised objection, the accused persons assaulted her leading to her death.



4. It is submitted by the counsel for petitioners that there is land dispute for which a title suit bearing Title Suit No. 43 of 2018 is going on between the parties. There is counter case bearing Paharpur PS Case No. 331 of 2022 filed by the petitioners and only with a view to settle their land dispute, the informant side has filed this false case. It is further submitted that the mother of informant was aged about 70 years and she was suffering from various ailments and as a matter of fact, the deceased died natural death. Petitioners claim clean antecedents.

5. Counsel for informant however vehemently opposed the prayer for bail and submitted that petitioners are named in the FIR and there is allegation that petitioners and others assaulted causing death of the deceased. Postmortem report also supports the prosecution case and cause of death is head injury caused by hard and blunt substance.

6. Considering the facts aforesaid and gravity of offence, I am not inclined to enlarge the petitioners above-named on anticipatory bail in connection with Paharpur P.S. Case No. 322 of 2022. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

