

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46048 of 2023

Arising Out of PS. Case No.-302 Year-2022 Thana- CHAUTHAM District- Khagaria

1. FAIYAZ UDDIN @ MD. FAIYAZ ALAM SON OF LATE NOOR ISLAM RESIDENT OF VILLAGE- THANA, TOLA- MOHANPUR, PS- CHOUTHAM, DISTT- KHAGARIA BIHAR
2. IBRAN ALAM SON OF SUAIB UDDIN RESIDENT OF VILLAGE- THANA, TOLA- MOHANPUR, PS- CHOUTHAM, DISTT- KHAGARIA BIHAR
3. SAMRAJAYA ALAM @ SAMRAJ SON OF TAIYAB UDDIN RESIDENT OF VILLAGE- THANA, TOLA- MOHANPUR, PS- CHOUTHAM, DISTT- KHAGARIA BIHAR
4. ABUL ALAM @ ABDUL ALAM @ MD. ABUL ALAM SON OF TAIYAB UDDIN RESIDENT OF VILLAGE- THANA, TOLA- MOHANPUR, PS- CHOUTHAM, DISTT- KHAGARIA BIHAR
5. SARTAZ ALAM SON OF TAIYAB UDDIN RESIDENT OF VILLAGE- THANA, TOLA- MOHANPUR, PS- CHOUTHAM, DISTT- KHAGARIA BIHAR
6. TOKID ALAM @ TOFID ALAM SON OF JUAIB ALAM RESIDENT OF VILLAGE- THANA, TOLA- MOHANPUR, PS- CHOUTHAM, DISTT- KHAGARIA BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate.
For the Opposite Party/s: Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing for the State.

2. Petitioners apprehend their arrest in connection
with Chautham P.S. Case No. 302 of 2022 dated 12.11.2022
registered for the offence punishable under Sections 447, 341,
323, 379, 385, 504 and 506/34 of the Indian Penal Code.



3. As per the First Information Report, while the informant was ploughing his field on 11.11.2022 the petitioner along with other accused persons armed with deadly weapons arrived at the field of the informant, stopped the tractor and started firing. Upon order of co-accused Md. Soib, all accused persons started assaulting the informant and his family members by means of *lathi, danda* etc.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between them. He further submits that no serious injuries have been caused to the informant and his family members. There is general and omnibus allegation against the petitioners and other accused persons. He next submits that no firearm injury has been caused to the side of the informant and except Sections 379 and 27 of the Arms Act, all Sections alleged against the petitioners are bailable.

5. Regards being had to the submission made by the parties and taking into consideration the nature of allegation and the fact that there is land dispute between the parties and no serious injury has been caused to the side of the informant, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, in the event of arrest or surrender



before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Mr. Aditya Prakash, learned Judicial Magistrate, 1st Class, Khagaria, in connection with Chautham P.S. Case No. 302 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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