

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57880 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Sobрати Hussain, S/o Late Sahebjan Miyan, Resident of Ward No.2, Shyam Chak, P.S. Bhagwan Bazar, Dist. Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-09-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bhagwan Bazar P.S. Case No. 167 of 2023 dated 28.04.2023 registered for the offence(s) punishable under Section(s) 147, 148, 149, 324, 325, 307, 379, 504, 506 of the Indian Penal Code.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner has fair and clean antecedent, 10 named persons and 10-15 unknown persons have been made accused in the FIR but any specific role of the petitioner has not been revealed in the FIR and he is simply stated to be member of the accused persons and the main allegation as to breaking the boundary-wall of the disputed land



and inflicting a sword blow at the injured persons is specifically against some of the co-accused persons, out of them, one namely, Md. Azazul Haque @ Azazul Hussain has been granted anticipatory bail by a co-ordinate bench of this court vide order passed in Cr. Misc. No. 54318 of 2023 and petitioner's case stands on better footing from the said accused person. Further submission is that the FIR itself goes to show that informant's side was aggressor and many persons from petitioner's side were brutally assaulted by the informant's side and in this regard, Bhagwan Bazar P.S. Case No. 168 of 2023 was lodged as the petitioner was also brutally assaulted in the alleged occurrence.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the nature of allegation appearing against this petitioner from the FIR and also the privilege of anticipatory bail to the co-accused persons mentioned above having been granted by a co-ordinate bench of this court, in my opinion, in the said circumstance, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period



of six weeks from today, be released on anticipatory bail in connection with Bhagwan Bazar P.S. Case No. 167 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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