

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56026 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- BUDHUCHAK District- Bhagalpur

Md. Arif S/o Late Jalaluddin, Resident of Village- Kishanpur @
Kishandaspur, P.S.- Budhuchak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Budhuchak P.S. Case No. 21 of 2022, lodged under Sections
147, 149, 341, 323, 325, 307, 448, 379, 504 & 506 of the Indian
Penal Code, later on Section 302 of the Indian Penal Code is
added.

As per prosecution case, the informant has lodged this
case against 15 named accused persons with allegation that they
have assaulted the informant as well as specific allegation has
been made against the petitioner that he has assaulted Mohd.
Shahnasha.



Learned counsel for the petitioner submits that in this case Section 302 of I.P.C. has been added only due to the reason that death of informant namely Mohd. Shahnasha took place after 20 days of the said occurrence. He further submits that injury of Mohd. Shahnasha has not come on record about which the Trial Court has acknowledged in its order. He also submits that from the contents of F.I.R., it transpires that the said dispute has occurred due to land dispute. He further submits that for the same date, place and time of occurrence two cases i.e. Annexure-1 and Annexure-2 have been filed i.e. Budhuchak P.S. Case No.21 of 2022 in which petitioner is seeking bail and Budhuchak P.S. Case No.20 of 2022 in which petitioner sides are informant. Learned counsel for the petitioner further submits that petitioner is in custody since 03.05.2022 and the entire cause of the occurrence is land dispute. He further submits that some co-accused persons have been granted bail by the Co-ordinate Bench of this Court vide orders dated 16.12.2022 & 03.02.2023 passed in Cr. Misc. Nos.55888 of 2022 & 59409 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and



the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Bhagalpur in connection with Budhuchak P.S. Case No. 21 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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