

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62154 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- CHAKAND District- Gaya

1. Mohammad Mahmood @ Mahmood Alam Son Of Md. Israil Village Nabi Nagar Ps Chakand Dist- Gaya Bihar
2. Md. Azad @ Md. Azad Ansari Son Of Mahmood Alam Village Nabi Nagar Ps Chakand Dist- Gaya Bihar
3. Md. Gulzar @ Gulzar Alam Son Of Maqsood Alam Village Nabi Nagar Ps Chakand Dist- Gaya Bihar
4. Md. Maqsood @ Maqsood Alam Son Of Md. Israil Village Nabi Nagar Ps Chakand Dist- Gaya Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Chakand P.S. Case No. 83 of 2023 dated 15.03.2023 and G.R. No. 1525/23, instituted for the offence punishable under Sections 341, 323, 308, 504, 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 11.03.2023 at about 10:00 am, Mohammad Mahmood (petitioner no. 1) came to the house of informant and started talk/negotiation for the partition of ancestral properties. In the meantime,



Mohammad Mahmood and Azad armed with rod assaulted on the head of the informant and as a result of which he sustained head injury and blood came out from his head and Azad assaulted the informant by means of Lathi. Md. Maqsood and Gulzar also threatened the informant to kill him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the informant is the full brother of petitioner no. 1 and 4 and petitioner nos. 2 and 3 are nephew of the informant. Learned counsel submitted that there is a land dispute between the informant and accused persons. It is next submitted that the petitioners and accused are family members and the informant has grabbed the joint family property. Only with a view to harass the petitioners, the informant has filed the present false case. Lastly, it has been submitted that the petitioners have no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Chakand P.S. Case



No. 83 of 2023 dated 15.03.2023 and G.R. No. 1525/23, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Gaya, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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