

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64501 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- KAUWAKOL District- Nawada

1. VICKY ALAM @ MD. IRFAN SON OF MD. IQUBAL MIAN @ MD. EKBAL MIYAN VILLAGE BHANDARI PO KADHAR PS KAUAKOL DIST- NAWADA
2. MD. PINTU @ MD. EKHLAQ @ PINTU ALAM SON OF MD. IQUBAL MAIN @ MD. EKBAL MIYAN VILLAGE BHANDARI PO KADHAR PS KAUAKOL DIST- NAWADA
3. KARU MIAN @ MD. SADIL SON OF QUABAL MIAN @ MD. JABBAR ALI VILLAGE- KARMA TAND, PS- KADHAR, PS- KAUAKOL, DIST- NAWADA
4. JAHIR MIAN @ MONAZIR HUSSAIN SON OF ZAKIR MIAN @ ZAKHIR HUSSAIN VILLAGE- SARAUNI, PS- KAUAKOL, DIST- NAWADA
5. NISAR MIAN @ MD. NISAR SON OF ZAKIR MIAN @ MD. ZAKIR VILLAGE- SARAUNI, PS- KAUAKOL, DIST- NAWADA
6. MD. NADIM @ MD. NADIM ASHRAFI SON OF AZIM MIAN @ MD. AZIM ASHRAFI VILLAGE- MOGLAKHAR, NEAR IDEAL PUBLIC SCHOOL GONDAPUR, NAWADA
7. FARJANA KHATOON @ FARZANA ASHRAFI D/O ZAKIR MIAN @ MD. AJIM ASHRAFI RESIDENT OF MOGLAKHAR, NEAR IDEAL PUBLIC SCHOOL, GONDAPUR, NAWADA
8. AFSANA KHATOON D/O ZAKIR MIAN, W/O GULAM SARWAR RESIDENT OF MOGLAKHAR, KHAN COLONY, ANSAR NAGAR, GONDAPUR, NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kishore, Adv.
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Kauakol P.S. Case No. 169 of 2023, dated 15.03.2023,



registered for the offence punishable under Sections 341, 323, 308, 504, 506, 34 of the Indian Penal Code.

3. The case of prosecution, in short, is that on 15.03.2023 at about 10:30 A.M. due to old land dispute all the petitioners along with ten unknown persons armed with various weapons came at the land of informant and started cutting crops and when the informant opposed then all the accused persons beaten the informant with iron-rod, sword and Gadasa and when informant's brother came to save then Md. Saddam and Vikki Alam caused injury to informant's brother with sword.

4. Learned counsel for the petitioners submits that allegation against petitioner nos. 2 to 8 are general and omnibus. There is specific allegation in the F.I.R. against Md. Saddam and Vikki Alam @ Md. Irfan. Md. Saddam was arrested. From the impugned order it appears that Md. Safique Mian received injury on the vital part of the body i.e. right side of head, which is lacerate wound admeasuring 5 1/2" x 1/4". Learned counsel further submits that there is land dispute going on among the informant and petitioners before D.C.L.R., Nawada since long and just to give colour of criminal nature the petitioners have been falsely implicated in this case. There is no specific allegation levelled against petitioner nos. 2 to 8. The petitioners have no criminal antecedent.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail to the petitioners.

6. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, I am not inclined to grant anticipatory bail to the petitioner no.1 namely Vicky Alam @ Md. Irfan.

7. Accordingly, the anticipatory bail of petitioner no. 1 is rejected.

8. So far petitioner nos. 2 to 8 is concerned, there is general and omnibus allegation against them.

9. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, let the above named petitioner nos. 2 to 8, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M., Ist Class, Nawada in connection with Kauakol P.S. Case No. 169 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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