

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65270 of 2023

Arising Out of PS. Case No.-293 Year-2021 Thana- BELDOUR District- Khagaria

Md. Shamshad Son Of Md. Qasim Residnet Of Village - Dighaun, Ps-
Beldaur, Dist- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Minnatullah, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 19-10-2023 Heard Mr. Mohammad Minnatullah, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Kumar No. 2,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Beldour P.S. Case No. 293 of 2021, registered for the
offences punishable under Sections 147, 148, 341, 323 and 307
of the Indian Penal Code and 27 of the Arms Act.

3. Allegedly, the accused persons, including the
petitioner, forcibly constructed a hut on a *raiyati* land of the
informant and when the informant and his family members
reached there, the accused persons assaulted them due to which
they sustained grievous injuries. It is further alleged that co-
accused Md. Azad had also made firing. Further, allegation of
assault has been levelled against Md. Abujar, who is said to



have assaulted the informant and his brother.

4. Learned counsel appearing on behalf of the petitioner submits that there is omnibus allegation has been levelled against the petitioner and the persons having identical allegation have been allowed the privilege of anticipatory bail by the coordinate Bench of this Court in Cr. Misc. No. 75189 of 2022 vide order dated 16.05.2023, copy of which has been placed before this Court and the same is taken on record. He next submits that admittedly there is land dispute for which a proceeding has been initiated under Section 144 Cr.P.C. before the learned SDM, Gogri vide Case No. 335M/2019 between the father of this petitioner and the informant of this case wherein an order has been passed in favour of the father of the petitioner. Being aggrieved, the informant and others have preferred Criminal Revision and the same has also been disposed off. It is next submitted that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the court. So far the injuries sustained to the informant and others are concerned, the same are simple in nature.

5. On the other hand, learned counsel for the State opposed the bail application.



6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that others have been allowed the privilege of anticipatory bail, coupled with the simple nature of injury, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Khagaria in connection with Beldour P.S. Case No. 293 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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