

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8765 of 2024

Arising Out of PS. Case No.-269 Year-2023 Thana- SUGAULI District- East Champaran

1. Sheikh Abbas, S/O Late Sheikh Baseer R/O Village- Bagahi, Ps.- Sugauli, Dist. East Champaran.
2. Javed Alam, S/O Sheikh Abbas R/O Village- Bagahi, Ps.- Sugauli, Dist. East Champaran.
3. Sheikh Nazir, S/O Sheikh Abbas @ Sheih Bashir R/O Village- Bagahi, Ps.- Sugauli, Dist. East Champaran.
4. Meraj Alam, S/O Sheikh Vazeer R/O Village- Bagahi, Ps.- Sugauli, Dist. East Champaran.
5. Parvej Alam, S/O Sheikh Nazeer R/O Village- Bagahi, Ps.- Sugauli, Dist. East Champaran.
6. Mahfooz Alam, S/O Sheikh Kamlesh R/O Village- Bagahi, Ps.- Sugauli, Dist. East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Md. Waliur Rahman, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Learned counsel for the petitioners submits that, inadvertently, the name of father of petitioner no. 3 has been wrongly mentioned in the petition and he seeks permission to correct the same in course of the day.

03. Permission is accorded.

04. In the present case, the petitioners are apprehending their arrest in connection with Sugauli P.S. Case No. 269 of 2023, registered for the alleged offence under Sections 447, 341, 323,



324, 307, 379, 354(B), 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

05. As per prosecution case, the petitioners and other co-accused persons, who were armed with *lathi*, *bhala*, *farsa*, *gadasha*, sword, gun and country made pistol, assaulted the husband and other family members of the informant, causing a number of injuries to them. The assailants also took away a gold chain and Rs. 60,000/- cash from the house of the informant.

06. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners are having no criminal antecedent and they have been made accused along with their family members. There is a case lodged by petitioner no. 3 vide Sugauli P.S. Case No. 268 of 2023 against the informant and others under Sections 307, 324, 379 and other allied sections of the IPC. The petitioners and informant side are next door neighbours and there is land dispute between them. The allegations are mostly general and omnibus. The injury report shows, the injuries caused to the victims are superficial though the injuries on two of the victims have been stated to be grievous in nature but without any supportive material. Utmost, it could be taken as a case of free fight between two groups.

07. Learned A.P.P. for the State opposes the prayer for



anticipatory bail.

08. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case and counter case of the parties in the background of land dispute and not so serious nature of injuries and also considering the probability of false accusation, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/concerned court in connection with Sugauli P.S. Case No. 269 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

