

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15158 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Babujan @ Babujan Miyan S/o Late Ramjan Miyan @ Late Rahman Miyan
R/o Mohalla - Shyam Chowk, P.S. - Bhagwan Bazar, Dist. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 19-04-2024

1. Heard the parties.

2. Petitioner seeks regular bail in connection with Bhagwan Bazar P.S. Case No. 167 of 2023 dated 28.04.2023 registered for the offence(s) punishable under Section(s) 147, 148, 149, 324, 325, 307, 379, 504, 506 of Indian Penal Code.

3. Mr. Chandra Mohan Jha, learned counsel appearing for the petitioner submits that the petitioner is an old person and presently, he is aged about 68 years and he has got fair and clean antecedent and there is case and counter case in between both the parties. He further submits that as per prosecution story narrated in the FIR, this petitioner and co-accused persons namely, Md. Ali Hussain and Md. Ejajaul inflicted sword blows at the head and nose of the informant and among the said co-accused, Enamul Haque @ Ali Hussain has been granted bail



by the trial court and Md. Azazul Haque @ Azazul Hussain has been granted bail by a co-ordinate bench of this court vide order dated 22.08.2023 passed in Cr. Misc. No. 54318 of 2023 and the case of the petitioner stands on better footing from them as he is a senior citizen as well as a retired person of Para Military Force. He further submits that the petitioner has been languishing in jail since 14.01.2024 and against him, the investigation has been completed and in fact, the prosecution party wanted to grab the land of the petitioner and there is case and counter case and on the petitioner's side some persons also sustained injuries regarding which Bhagwan Bazar P.S. Case No. 168 of 2023 was lodged under Section(s) 147, 148, 149, 504, 506, 384, 354, 379, 307 of Indian Penal Code and there are several persons who have been named in the FIR. It is further submitted that during investigation, no independent witness supported the informant's allegation and the informant is said to have recorded his fardbeyan some hours after the commission of the alleged occurrence which was not probable in view of the injuries sustained by him as per allegation, which also casts a serious doubt in the allegations made in the FIR and the same shows fabrication of the false case against the petitioner. It is further submitted that five co-accused persons namely Md.



Mubarak Hussain, Azazul Haque, Gulfam, Amarnath Ray Yadav and Beby Begum have been granted anticipatory bail by a co-ordinate bench of this court vide order dated 22.08.2023 passed in Cr. Misc. No. 54318 of 2023.

4. Mr. Mohammad Sufyan, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account the petitioner's old age, his fair and clean antecedent and the completion of investigation against him and also, the fact, that there is case and counter case in between both the parties and a land dispute is said to be the genesis of the occurrence, in the said circumstances, the petitioner deserves to be released on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bhagwan Bazar P.S. Case No. 167 of 2023.

(Shailendra Singh, J)

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