

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27944 of 2024

Arising Out of PS. Case No.-398 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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Md. Nausad, aged about 40 years, Male, Son of Md. Salim @ Dhalay
Resident of Village- Gwalpar @ Gorpar Muslim Tola, Ward No. 14, P.S.-
Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 23-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Udakishunganj P.S. Case No. 398 of 2023 instituted for the
offences punishable under Sections 341, 323, 307, 324, 379,
504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner along with
other co-accused persons is to have assaulted the informant and
others by means of lathi, danda, iron rod etc. due to land dispute
between the parties.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has



falsely been implicated in this case due to land dispute between the parties. There is case and counter case between the parties. It is also submitted that the specific allegation is against the petitioner and co-accused Md. Kasim is that they assaulted with iron rod with Varun Yadav and Nanhaki but no injury reports of Varun and Nanhaki have been brought on record. He next submits that the informant and the petitioner are co-villagers and due to land dispute the alleged occurrence has been taken place. Both the parties have received injuries. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 19.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Sessions Judge, Madhepura dated 20.02.2024, it appears that petitioner is named in the FIR. On the basis of written report of the informant, the FIR has been lodged against eleven named persons including the petitioner. The allegation against the petitioner is of assaulted by iron rod against Varun Yadav and Nanhki but there is no any injury report available on the record to identify them. Both the parties are co-villagers and there is land dispute between the parties as well as case and counter case. Similarly situated co-accused persons namely Md.



Chhotu and Md. Jubair have been granted bail by this Court in Cr. Misc. Nos. 27293 of 2024 and 24143 of 2024 vide orders dated 20.04.2024 and 04.04.2024, respectively. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Udakishunganj, Madhepura in connection with Udakishunganj P.S. Case No. 398 of 2023.

(Ramesh Chand Malviya, J)

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