

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28225 of 2024

Arising Out of PS. Case No.-9 Year-2023 Thana- FALKA District- Katihar

Md. Ezaz Alam @ Md. Ezaz, aged about 38 years, Gender-Male, Son of Late Mainuddin @ Bhuty, Resident of Village - Bari Chatar, P.S. - Falka, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md Musowir, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 26-07-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Falka (Katihar) P.S. Case No. 09 of 2023 dated 14.01.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 325, 354B, 452, 379, 427, 504 and 506 of the I.P.C.

3. As per the prosecution case, the petitioner and the co-accused persons alongwith 10-15 unknown miscreants having deadly weapons entered the house of the informant, in the meantime, on the order of the co-accused Md. Shamim, the other accused persons assaulted the informant and his family members with *sword*, *arrow* and *lathi*, due to which, they



sustained injuries. It is further alleged that the accused persons also snatched the cash from the house of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. There is land dispute between the parties. It is further submitted that the injury of the injured persons are found simple in nature except one injury of one Alim @ Md. Alimuddin is to be grievous in nature which is against the other co-accused persons. There is case and counter case between the parties. The injury of the informant Md. Kalim and his nephew Jafar are also found simple in nature caused by hard and blunt substance. It is further submitted that moreover the matter has already been compromised between the parties and to that effect a compromise petition has been filed in the learned court below on 04.09.2023. The other co-accused person Md. Mahdan @ Mohiuddin @ Mohiuddin Alam has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 9819 of 2024 under order dated 28.02.2024, annexed as Annexure-3 to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. Ist Class, Katihar in connection with Falka (Katihar) P.S. Case No. 09 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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