

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32205 of 2024

Arising Out of PS. Case No.-504 Year-2023 Thana- JOKIHAT District- Araria

1. Md. Israrul Haque S/o- Late Abdul Gaffar Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
2. Md. Ibrarul Haque @ Abrar son of Late Abdul Gaffar Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
3. Md. Rajaul Haque @ Md. Razaul Haque son of Late Abdul Gaffar Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
4. Md. Yusuf @ Md. Yasuf Alam son of Late Abdul Gaffar Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
5. Danish @ Md. Danish Alam son of Md. Ibrarul Haque @ Abrar Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
6. Intakhab @ Md. Intakhab Alam son of Md. Ibrarul Haque @ Abrar Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
7. Aslam @ Md. Aslam Kamal son of Md. Israrul Haque Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
8. Ashraf @ Md. Ashraf Ali @ Md. Ashraf son of Md. Israrul Haque Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea
9. Afsar @ Md. Afsar son of Md. Israrul Haque Vill- Chakai ward no 8 Ps- Jokihat Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-05-2024 At the very outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application of petitioner no.9, namely, Afsar @ Md. Afsar as his prayer for anticipatory bail has become infructuous on account of his being arrested.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application of petitioner no.9, namely, Afsar @ Md. Afsar stands dismissed as withdrawn as being infructuous.



4. However, the prayer for anticipatory bail of other petitioners i.e., petitioners no. 1 to 8 still survives and is being heard.

5. Heard learned counsel for the petitioners and learned A.P.P. for the State.

6. Petitioners no. 1 to 8 apprehend their arrest in connection with Jokihat P.S. Case No. 504 of 2023 registered under Sections 147, 149, 341, 323, 420, 467, 468, 504 and 120(B) of the Indian Penal Code.

7. As per prosecution case, the accused persons having variously armed with weapons tried to take possession over the land in question by installing pillar on the said land and when the informant raised objection, they abused and assaulted him.

8. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case with a view to put pressure upon the petitioners to settle the ongoing civil dispute between the parties. As a matter of fact, the informant party is aggressors over the land of the petitioners and committed offence and for this the wife of the petitioner no.4 has lodged an FIR bearing Jokihat PS Case No. 506/2023 against the informant and others. The informant is



first cousin as well as brother-in-law of the petitioner no.1 to 4 and having dispute with regard to the ancestral land. It is further submitted that both the parties are agnates and the petitioners are co-sharers of many properties except the land mentioned in the FIR as no partition has ever taken place.

9. Learned counsel for the informant vehemently opposes the prayer for anticipatory bail.

10. Having considered the above facts and circumstances, nature of disputes coupled with the fact that there is a case and counter case between the parties, prayer for anticipatory bail of the petitioners are, hereby, allowed. In the event of arrest/surrender within six weeks from today, let the petitioners no. 1 to 8 named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 504 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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