

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33284 of 2024

Arising Out of PS. Case No.-128 Year-2023 Thana- CHHAURADANO District- East
Champaran

=====

Anisur Rahman Son of Sanaullah Resident of Village- Naraul, P.S.-
Chhauradano, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Karandeep Kumar
For the State	:	Mr.Binod Kumar
For the informant	:	Mr. Prateek Tondon

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-08-2024 1. Heard learned Counsel for the petitioner, learned Additional Public Prosecutor for the State and learned Counsel appearing on behalf of the informant.
2. This application, for grant of anticipatory bail, arises out of Chhauradano Police Station Case No. 128 of 2023, dated 08.05.2023, disclosing offences under Sections 341/323/324/ 354-B/379/380/504/307/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 06.05.2023, in the morning, while the informant's son was constructing boundary wall of his brother-in-law, namely, Taufik Ahmad, the accused persons obstructed him and in the afternoon, the accused



persons, including the petitioner, and 6-7 unknown persons, armed with weapons, abused and assaulted the informant and his family members. The petitioner assaulted the informant by means of dabiya (sharp cutting weapon) and also one Obedullah by means of farsha.

4. Learned Counsel for the petitioner submits that both the parties are co-sharer and there is land dispute between them. The occurrence has taken place due to construction of boundary wall on the disputed land. He next submits that a counter case has been lodged by the petitioner, bearing Chhauradano Police Station Case No. 127 of 2023, against the informant and others, which is prior in time to the present First Information Report . The wife of the petitioner has been killed by the informant and others. He further submits that a medical board was constituted, which has submitted its report before the Superintendent of Police. East Champaran, at Motihari, dated 24.01.2024, stating that no apparent injury has been seen upon the informant and others.
5. On the other hand, learned counsel for the informant and the State vehemently oppose the prayer for bail and submit that in First Information Report lodged by the side



of the petitioner, all the accused persons have been granted regular bail except Md. Tofique, against whom there is specific allegation. The informant has no concern with Md. Tofique.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-sharer, there is land dispute between them, case and counter-case is also there, no apparent injury has been caused to the informant and others as per the report of the medical board and co-accused persons have been granted anticipatory bail by this Court, vide order, dated 07.03.2024, passed in Criminal Misc. No. 75782 of 2023, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari, in connection with Chhauradano



Police Station Case No. 128 of 2023, subject to the
condition laid down under Section 438 (2) of the Code of
Criminal Procedure

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

