

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36103 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- SUGAULI District- East Champaran

Muslim Mian @ Md. Muslim Alam @ Muslim Alam Son of Bhikhari Miya
@ Bhikhari Miyan Resident of Village - Chhapra Bahas, Dubey Tola, P.S.-
Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner apprehends his arrest in connection
with Sugauli P.S.Case No. 20 of 2024 dated 16.10.2023,
instituted for the offence punishable under Sections 447, 341,
323, 324, 307, 504, 506, 379/34 of the Indian Penal Code.

3. The case of prosecution , in short is that when the
informant was feeding his cattle in his cattle shed, all the FIR
named accused persons including the petitioner came there and
started abusing and asked the informant to remove the cattle
shed from there. When the informant protested, the petitioner,
Muslim Miyan, assaulted with farsa on the head of the
informant causing injury on his head and other accused persons



assaulted him with iron rod and snatched gold chain from the informant.

4. Learned counsel for the petitioner submits that the specific allegation against the petitioner is that he assaulted the informant by means of farsa on the head of the informant but the injury report does not support the case of the prosecution. He further submits that petitioner is innocent and has falsely been implicated in this case. The doctor has opined that the injuries was caused by hard and bunt substance. There is land dispute between the parties due to which the informant has filed this false case. It is also submitted that the date of occurrence is 16.10.2023 and the FIR has been lodged on 13.01.2024 after delay of two months 27 days without giving any plausible explanation. It is lastly submitted that petitioner has clean antecedent.

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

6. Having considered the facts and circumstances of the case and submissions of the learned counsel for the parties, in the event of arrest/ surrender of the petitioner within a period of six weeks from today, in connection with Sugauli P.S.Case No. 20 of 2024, he shall be released on anticipatory bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran or appropriate Court Below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

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