

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43306 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- SUGAULI District- East Champaran

1. Rahmat Mian S/o Alijan Mian R/o vill - Baudha, P.S. - Sugauli, Distt. - East Champaran at Motihari
2. Naushad Alam S/o Rahmat Mian R/o vill - Baudha, P.S. - Sugauli, Distt. - East Champaran at Motihari
3. Rojdin Mian S/o Ali Hussain Mian R/o vill - Baudha, P.S. - Sugauli, Distt. - East Champaran at Motihari
4. Faiyaz Alam @ Faiyaj Alam S/o Amruddin Mian R/o vill - Baudha, P.S. - Sugauli, Distt. - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2024 1. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 1 Rahmat Mian.

2. Permission is accorded.

3. Accordingly, the anticipatory bail application with respect to petitioner no. 1 is dismissed as withdrawn.

4. Heard learned counsel for the petitioners no. 2, 3 and 4 and learned A.P.P. for the State.

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354(B), 379, 427, 504, 506 and 307/34 of the Indian Penal



Code.

6. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 04.03.2024 the accused persons came on his land and on order of Rahmat Mian, accused Ali Hussain, Naushad Alam (petitioner no. 2) and Rojdin Mian (petitioner no. 3) destroyed several mango trees of the informant. Thereafter, Rahmat Mian assaulted the informant and Shashi Ranjan Kumar by bat on their back and jaw, Rojdin Mian (petitioner no. 3) assaulted Pramod Kumar with Tanguli causing injury on left hand, Ali Hussain Mian assaulted Motilal Sah by an iron rod on his shoulder, further Faiyaz Alam (petitioner no. 4) assaulted Bipin Bihari Prasad by lathi and Naushad Alam (petitioner no. 2) assaulted Shambhu Prasad by an iron rod on his finger.

7. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the occurrence took place on account of dispute relating to land. It is further submitted that petitioners are not the criminals. It is next submitted that two persons suffered grievous injury, namely, Shashi Ranjan Kumar and Pramod Kumar but then allegation of assaulting Shashi Ranjan Kumar is against Rahmat Mian and as far as Pramod Kumar is concerned,



though his injury is grievous but then the same is on left hand which is non-vital part of the body.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

9. Considering the submissions made by the learned counsel for the petitioners, let the petitioners no. 2, 3 and 4 above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sugauli P.S. Case No. 90 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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