

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45839 of 2024

Arising Out of PS. Case No.-629 Year-2023 Thana- GHORASAHAN District- East
Champaran

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1. Md Shamim @ Shamim S/O- Ijrail Resident of Village- Laukhan, P.S.- Ghorasahan, Distt- East Champaran.
 2. Md Wasim @ Osim S/O- Ijrail Resident of Village- Laukhan, P.S.- Ghorasahan, Distt- East Champaran.
 3. Mojibul Rahman @ Mojibur Rahman S/O- Sheikh Sahid Resident of Village- Laukhan, P.S.- Ghorasahan, Distt- East Champaran.
 4. Momima Khatoon @ Momina Khatoon W/O- Shamim Resident of Village- Laukhan, P.S.- Ghorasahan, Distt- East Champaran.
 5. Mobina Khatoon @ Momina Khatoon W/O- Mojibur Rahman Resident of Village- Laukhan, P.S.- Ghorasahan, Distt- East Champaran.
 6. Jamsed @ Jamshed Alam S/O- Sheikh Samshul Resident of Village- Laukhan, P.S.- Ghorasahan, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Zaki Haider
For the Opposite Party/s	:	Mr.Syed Mojibur Rahman
For the Informant	:	Mr. Rajeev Ranjan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 2 24-07-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.
2. Learned counsel for the informant is being heard through virtual mode.
3. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 341, 323, 324, 325, 307, 504 and 506 of the IPC.



4. As per the FIR, the petitioners along with other co-accused persons were doing illegal construction on the land purchased by the father of the informant and when the informant's side opposed the said construction, they were brutally assaulted by the petitioners and other accused persons.

5. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties and also a land dispute is going on between them. He submits that there is no specific overt act against the petitioners. Petitioners have no criminal antecedent.

6. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.2 to assault the injured person due to which the injured person sustained grievous injury.

7 Having regard to the facts and circumstances of the case, considering that there is no specific overt act against the petitioner nos.1, 3, 4, 5 and 6, let the above named petitioner



nos.1, 3, 4, 5 and 6 , be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Ghorasahan P.S. Case No.629 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Considering the nature of allegation, I am not inclined to enlarge the petitioner no.2 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.

8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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