

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45364 of 2024

Arising Out of PS. Case No.-557 Year-2022 Thana- NAGAR District- Vaishali

Md. Mistakim @ Md. Mustakim Son of Late Muslim Miya Resident of Village - Chakbhoj, P.S.- Sadar, Hajipur, District - Vaishali. (The Police Station of the petitioner have been wrongly mention as Hajipur Town in place of Hajipur Sadar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 46056 of 2024

Arising Out of PS. Case No.-557 Year-2022 Thana- NAGAR District- Vaishali

1. Md. Taslim S/o Late Ramtulla Miya R/o Chakbhoj P.S.-Hajipur sadar, District-Vaishali
2. Md. Ashraf S/o Md. Taslim R/o Chakbhoj P.S.-Hajipur sadar, District-Vaishali
3. Md. Aslam @ Md. Alam S/o Md. Taslim R/o Chakbhoj P.S.-Hajipur sadar, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45364 of 2024)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

(In CRIMINAL MISCELLANEOUS No. 46056 of 2024)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-08-2024 Since both the applications arise out of Hajipur Town P.S. Case No. 557 of 2022, as such, they have been taken up together and are being disposed of by this common order.



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

03. In the present case, the petitioners are apprehending their arrest in connection with Hajipur Town P.S. Case No. 557 of 2022, registered for the alleged offence under Sections 147, 148, 149, 452, 341, 323, 324, 379, 427, 504 of the Indian Penal Code and Sections 3/5 of Explosive Substance Act.

04. As per prosecution case, the petitioners and 40-50 unknown miscreants, who were armed with *Lathi*, *Bhala*, sword, *Katta* and hammer attacked the house of the informant. On the orders of the petitioner-Md. Taslim, one unknown miscreant gave sword blow to the informant and some other unknown persons hurled bombs on the wall and the road and the splinters hit the informant on right wrists. The miscreants fled away from the spot taking away mobile clothes etc. from the house of the informant.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners and informant are agnates and there is admitted land dispute between them. On 11.08.2010, an order has been passed by learned Sub Judge-VII, Vaishali in Partition Suit No. 524 of 2008 admitting the claim of half share of the



ancestral property in favour of the father of the petitioner Md. Taslim, which was subsequently sold by him and this was not to be liking of the informant side. In retaliation thereof, a series of cases have been lodged by the informant side against the petitioners, who are having antecedent of three cases, all lodged by the informant side. Learned counsel further submits that there is no allegation of assault against the petitioners and the opinion on injuries has been kept reserved for which allegation is against unknown miscreants. The allegations of theft and house trespass are super-addition and other offences are bailable in nature. The allegation of hurling explosive substance is also not believable.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the back ground of land dispute and earlier cases between the parties and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with



two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali/court concerned in connection with Hajipur Town P.S. Case No. 557 of 2022 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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