

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46474 of 2024

Arising Out of PS. Case No.-901 Year-2023 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Md Taiyab @ Taiyab Hussain Son of Late Chhedi Miya @ Shiekh Safiullah R/O Vill.- Fathan, P.S.- Gopalganj Town, Dist.- Gopalganj
 2. Md. Kamran Son of Md. Taiyab @ Taiyab Hussain R/O Vill.- Fathan, P.S.- Gopalganj Town, Dist.- Gopalganj
 3. Md. Nazim @ Mohamad Nazim Son of Late Chhedi Miya @ Sheikh Safiullah R/O Vill.- Fathan, P.S.- Gopalganj Town, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-08-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Learned counsel for the petitioners submits that during the pendency of this application, the petitioner no. 1 was arrested. Accordingly, he seeks permission to withdraw this application with regard to the petitioner no. 1.
3. Permission is granted.
4. The application, with regard to the petitioner no. 1, is dismissed as withdrawn.
5. This application, for grant of anticipatory bail, on behalf of the petitioner nos. 2 and 3, arises out of Gopalganj Town Police Station Case No. 901 of 2023, dated 13.11.2023, disclosing offences under Sections



341/323/307/504/506/34 of the Indian Penal Code.

6. The prosecution case, on the basis of the First Information Report, is that on 12.11.2023, while the informant was sitting at his door, the petitioner nos. 2 and 3, along with other accused persons, arrived there started abusing and searching for the informant's uncle. The co-accused Mohd. Kaif assaulted the informant by means of repeated knife blow on his back, due to which the informant fell down. The petitioner no. 2 snatched golden chain from the informant. There is no specific allegation against the petitioner no. 3.
7. Learned Counsel for the petitioner nos. 2 and 3 submits that both the parties are co-sharer and there is land dispute between them. Counter case has also been lodged by the side of the petitioners, bearing Gopalganj Police Station Case No. 897 of 2023, dated 12.11.2023, against the informant and others. The allegation against the petitioner no. 2 is ornamental in nature and there is no specific allegation against petitioner no. 3.
8. Learned counsel for the informant opposes the prayer for bail and submits that the petitioners are named in the First Information Report and they, along with other accused persons, have assaulted the informant and his family



members.

9. 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, having land dispute, and counter-case has also been lodged by the side of the petitioners, I am inclined to grant the petitioner nos. 2 and 3 privilege of anticipatory bail.
10. Accordingly, the anticipatory bail application in respect of petitioner nos. 2 and 3, is allowed.
11. Let the petitioner nos. 2 and 3, namely, Md. Kamran and Md. Nazim, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj Town Police Station Case No. 901 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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