

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.51035 of 2024**

Arising Out of PS. Case No.-253 Year-2023 Thana- PURAINI District- Madhepura

MD. KAIYUM S/O LATE MD. SAMMAN R/O VILLAGE- RASAUL  
TOLA CHANDA, P.S- PURAINI, DISTT.- MADHEPURA.

THE STATE OF BIHAR  
Versus  
... .. Petitioner/s

... .. Opposite Party/s

**Appearance :**  
For the Petitioner/s : Mr. Nafisuzzoha, Advocate  
Mr. Rabia Gulzar, Advocate  
For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      25-09-2024      Heard learned counsels for the petitioners and learned  
APPs. for the State.

**02.** In the present case, the petitioner is apprehending his arrest in connection with Puraini P.S. Case No. 253 of 2023 registered for the alleged offence under Sections 295, 295(A), 504 and 506/34 of the Indian Penal Code.

**03.** As per prosecution case, the allegation against the petitioner and other co-accused persons is that they urinated on the gate of a temple and when the persons present there scolded them, they threatened the informant and others to keep the temple in a box otherwise, they would urinate inside the temple. Thereafter, two accused persons were apprehended and brought to the police



station whereas the petitioner fled away from the spot.

**04.** Learned counsels for the petitioners submit that petitioner is innocent and has falsely been implicated in this case. Earlier also petitioner was made accused with similar allegation in connection with Puraini P.S. Case No. 76 of 2020 by the priest of the same temple in which the informant is one of the witness. It create doubts about the prosecution story. It is further submitted that there is ancestral land of the petitioner and other co-accused persons near the temple and the informant and the people from majority wants to grab their land and for this reason they have falsely implicated the petitioner and others.

**05.** Learned APPs for the State oppose the prayer for anticipatory bail. Learned APPs submit that the witnesses examined during the course of investigation have supported the prosecution case. The petitioner and the co-accused persons intended to cause communal riots and of this reason, they committed such act and further submits that earlier also the petitioner committed such act and is having antecedent of one such case of similar nature.

**06.** Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is having antecedent of similar nature, I do not think it is a fit case for grant of anticipatory bail to the petitioners.



Hence, the prayer for anticipatory bail of the petitioner is hereby  
**rejected.**

**(Arun Kumar Jha, J)**

Jagdish/-

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