

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56842 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- BISFI District- Madhubani

Naushad @ Naushad Nadaf son of Fulhasan @ Fulhasan Nadaf Village-
Simari Tole Dubiyahi Ps- Bisfi Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Bisfi P.S. Case No. 328 of 2023 instituted for the offences under Sections 341, 323, 324, 307, 354B, 427, 379, 504, 506/34 of the Indian Penal Code.

3. Prosecution case, in short, is that is that the accused persons including the petitioner, variously armed, came to the house of the informant and threatened him to vacate his land. The informant protested thereafter the accused persons assaulted the informant and also the family members due to which they sustained injuries.

4. Learned counsel for the petitioner submitted that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that there is admitted land dispute between both the parties. Learned counsel for the petitioner further submitted that due to petty dispute, altercation took place between the parties and both sides sustained injuries. Learned counsel further submitted that there is case and counter-case between the parties. Learned counsel further submitted that there is a delay of 14 days in lodging the FIR without plausible explanation, which in itself, raises doubt over the prosecution story. The co-accused person has already been granted regular bail by this Bench vide order dated 07.12.2023 passed in Cr. Misc. No. 78706 of 2023. It has been submitted on behalf of the petitioner that the petitioner has one criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as taking into consideration the fact that both sides sustained injuries and there is case and counter-case between the parties, let the petitioner above named, in the event of arrest/surrender before the learned Court below within a



period of six months from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bisfi P.S. Case No. 328 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

