

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67886 of 2024

Arising Out of PS. Case No.-12 Year-2019 Thana- CHHATAPUR District- Supaul

1. Md. Alamgir @ Hafi Md. Alamgir Son of Late Masiuddin Resident of village - Kathara, Ward No. 11, Police Station - Chhatapur, Distt.- Supaul
2. Md. Almin @ Aalmin Son of Late Md. Ekramul Resident of village - Kathara, Ward No. 11, Police Station - Chhatapur, Distt.- Supaul
3. Md. Chand @ Md. Aftab Aalam @ Md. Aftab Iqbal Son of Kamruzama @ Dham Resident of village - Kathara, Ward No. 11, Police Station - Chhatapur, Distt.- Supaul
4. Md. Tosif Son of Jhinger Resident of village - Kathara, Ward No. 11, Police Station - Chhatapur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Chhatapur Police Station Case No. 12 of 2019, disclosing offences under Sections 341, 323, 324, 325, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. As per the First Information Report, on 20.01.2019, while the petitioners and other co-accused persons were engaged in fencing the road and land, the informant intervened and they surrounded the informant and his family members armed with various weapons, assaulted the informant, his



daughter and son by lathi, sword, etc.

4. Learned Counsel for the petitioners submits that altogether there are nine accused persons. The police after investigation submitted final form not sending the petitioners for trial, however, the learned Magistrate differed with the final form and took cognizance against the petitioners under Section 307 and allied sections. A counter case has also been lodged by the side of the petitioners bearing Chhatapur P.S. Case No. 13 of 2019 against the informant and others. Earlier, anticipatory bail was filed prior to submission of charge sheet by all the petitioners in ABA no. 165 of 2019, however, after filing of the final form exonerating the petitioners and after taking cognizance by the learned Magistrate in the year 2021, the anticipatory bail was filed again on the basis of subsequent development.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, case and counter case is also there and the police after investigation submitted final form not sending the petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.



7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Supaul, in connection with Chhatapur Police Station Case No. 12 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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