

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71070 of 2024

Arising Out of PS. Case No.-290 Year-2021 Thana- DARBHANGA District- Darbhanga

Md. Safi Ali @ Md. Belal @ Belal @ Md. Saif Ali Son of Md. Gulab
Resident of Mohalla - Kalighat, Bajidpur, P.S. - Town, District - Darbhanga
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 30-10-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Town Police Station Case No. 290 of 2021, disclosing offences under Sections 147, 149, 341, 323, 307 379, 354(B), 448, 504, 506 of the Indian Penal Code.
3. The prosecution story, as per the F.I.R. is that on 02.12.2021, fourteen (14) accused persons named in the F.I.R. entered into the house of the informant armed with lathi, iron-rod, dabiya and started abusing and on protest the co-accused Md. Wasim gave blow on head of the informant due to which his hand has been fractured. Specific allegation of assault is not upon the petitioner.
4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to land dispute between the parties. The allegation of assault is not against the petitioner



and he was merely a member of the unlawful assembly. Title partition suit is pending between the parties bearing T.S. Nos. 125 of 2017 & 339 of 2017. A counter case has also been lodged by the side of the petitioner bearing Town P.S. Case No. 288 of 2021.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is no specific allegation of assault against the petitioner, there is previous land dispute between the parties and a counter case has also been lodged by the side of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, in the event of his arrest or surrender before the Court below within four weeks, 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, Darbhanga, in connection with Town Police Station Case No. 290 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

(Anil Kumar Sinha, J)

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