

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74412 of 2024

Arising Out of PS. Case No.-552 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Mailakha Khatoon W/o Idris Miyan Resident of vill - Karmaula, P.S-
Lakhaura, Distt. - East Champaran
 2. Bhola Alam @ Kasmuddin Miyan @ Kasmddin Alam S/o Kalam Alam
Resident of vill - Karmaula, P.S- Lakhaura, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Adv

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection
with Muffasil P.S. Case No. 552 of 2023 instituted under
Sections 147, 341, 323, 324, 307, 420, 385, 327, 379, 504, 506
of the Indian Penal Code.

3. As per the prosecution case, the petitioners are said
to have injured one of the victims.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence. It is
further submitted that there is admitted land dispute between the



parties and on account of that, there was fight between them due to which both sides received some injury.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. From the FIR, it appears that the case has been lodged because of land dispute. Petitioner no. 2 has claimed to be of clean antecedent.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners, above named, be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari/ concerned court, East Champaran, Motihari in Muffasil P.S. Case No. 552 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, subject to the following condition:

(i) Before accepting the bail- bond of the petitioner no. 2, the court below will verify the antecedent of the petitioner no. 2. If the petitioner no. 2 is found having clean antecedent, the bail-bond of the petitioner no. 2 shall be accepted. If the petitioner no.



2 is found having criminal antecedent(s), his bail-bond shall not be accepted by the court below.

(Sandeep Kumar, J)

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