

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75782 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- CHHAURADANO District- East
Champaran

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1. MOZIBUR RAHMAN @ MUZIBUR RAHMAN SON OF ANISUR RAHMAN RESIDENT OF VILLAGE- NARAUL, POLICE STATION- CHHAURADANO, DISTRICT- EAST CHAMPARAN.
 2. ATAUR RAHMAN SON OF ANISUR RAHMAN RESIDENT OF VILLAGE- NARAUL, POLICE STATION- CHHAURADANO, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Karandeep Kumar
For the Opposite Party/s	:	Mr. Navin Kumar Pandey
For the Informant	:	Mr. Prateek Tandon

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 07-03-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State and learned counsel appearing on behalf of the informant.
2. This application, for grant of anticipatory bail, arises out of Chhauradano Police Station Case No. 128 of 2023, dated 08.05.2023, disclosing offences under Sections 341/323/324/354-B/379/380/504/307/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 06.05.2023, in the morning, while the informant's son was constructing boundary wall of his



brother-in-law, namely, Taufik Ahmad, the accused persons obstructed him and in the afternoon, the accused persons, including the petitioners, and 6 to 7 unknown persons, armed with weapons, abused and assaulted the informant and his family members. It has further been alleged that the petitioner no. 1 assaulted the informant's wife by means of gadasa on her head, due to which she sustained injury. There is no specific allegation against the petitioner no. 2.

4. Learned Counsel for the petitioners submits that both the parties are co-sharer and there is land dispute between them. The occurrence has taken place due to construction of boundary wall on disputed land. He next submits that counter-case has been lodged by the side of the petitioners, bearing Chhauradano Police Station Case No. 127 of 2023, stating therein, that the mother of the petitioners has been killed by Mohd. Tofique and others. The First Information Report lodged by the side of the petitioners is prior in time to the present First Information Report. Referring to the supplementary affidavit, learned counsel submits that injury caused to the informant's wife is not serious in nature.



5. On the other hand, learned counsel for the State and informant vehemently oppose the prayer for bail and submit that in First Information Report lodged by the side of the petitioner, all the accused persons have been granted regular bail except Mohd. Tofique and the informant has no concern with him.
6. In reply, learned counsel for the petitioners submits that some of the accused persons have also been granted anticipatory bail in the First Information Report lodged by the side of the petitioners.
7. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-sharer, there is land dispute between them, case and counter-case is also there and prosecution has not brought on record the specific injury caused to the informant's wife, I am inclined to grant the petitioners privilege of anticipatory bail.
8. This application is, accordingly, allowed.
9. 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 Sub Divisional
Judicial Magistrate, Razaul, East Champaran at Motihari,
in connection with Chhauradano Police Station Case No.
128 of 2023, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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