

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78826 of 2024

Arising Out of PS. Case No.-5 Year-2019 Thana- KUNDWACHAINPUR District- East
Champaran

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Md. Haidar Son of Tauhid Resident of Village - Hardia, Police Station -
Kundwa Chainpur, District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-12-2024 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 Kundwa Chainpur Police Station Case No. 05 of
2019, disclosing offences under Sections 147, 148, 149, 341,
323, 325, 307 and 504 of the Indian Penal Code.

3. The prosecution case, as per the First Information
Report, is that petitioner constructed a hut over the settled land
of the informant's and on objection made by the informant and
others, they were assaulted by accused persons. The allegation
against the petitioner is that he along with two accused persons
assaulted Istekhar with lathi and iron rod.



4. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to land dispute between the parties. He further submits that the police after investigation submitted final form not sending the petitioner for trial, however, learned magistrate differed with the police report and took cognizance against the petitioner vide order dated 13.10.2020. As such, the petitioner has apprehension of arrest.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that police after investigation exonerated the petitioner and submitted final form not sending him for trial, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, 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 Additional Chief Judicial Magistrate 3, Sikrahana at Dhaka, East Champaran at Motihari, in connection with Kundwa Chainpur Police Station Case No. 05 of 2019,



subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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