

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.165 of 2024

Arising Out of PS. Case No.-235 Year-2022 Thana- BIRPUR District- Supaul

Md. Azad S/O Md. Ido @ Ido Bhant R/O Ranipatti, P.S- Birpur, Distt.-
Supaul.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Birpur P.S. Case No. 235/2022 dated 20.07.2022 registered for the offences punishable under Sections 147, 149, 341, 323, 325, 307, 354B, 379 and 504 of the Indian Penal Code.

3. As per the prosecution case, five years ago, the informant's unclce Ishak Bhant got a piece of land registered on the basis of conspiracy by the grandfather late Mangal Bhant. It is further alleged that for the piece of land a family panchayat was convened wherein it was decided that Ishak Bhant shall register the land in the name of the informant's father, Md. Ali



Hasan at Rs. 3 lacs. On 20.07.2022, the informant along with her father went to the house of Akat Bhand to pay Rs. 51,000/- to Ishak Bhand, where the accused petitioner along with other accused persons were also present. On the order of the co-accused Ishak Bhand, the petitioner and the co-accused Akat Bhand tied the hands and leg of the informant's father and the co-accused Akat Bhand and Hazrul Khatun assaulted on his head with iron rod, causing injury. Further, the co-accused Akat Bhand also assaulted on the informant's right leg with iron rod, causing injury. It is further alleged that the co-accused Akat Bhand snatched Rs. 51,000/- from the pocket of the informant's father. Further, the accused persons Akat Bhand and Azad Bhand tore her clothes and tried to outrage the modesty of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case on account of land dispute. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. It is further submitted that the parties are *gotiyas*. Learned counsel has submitted that the specific allegation of assault is against the co-accused Akat Bhand and Ijrul Khatoon. No case u/s 354B of the IPC is made out against the informant.



5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Birpur, Supaul in connection with Birpur P.S. Case No. 235/2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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