

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18332 of 2025

Arising Out of PS. Case No.-54 Year-2024 Thana- Gaura P.S. District- Saran

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1. Akbar Ali S/o Hazrat Ali R/o Village- Salimpur, PS- Gaura, District- Saran at Chapra
 2. Mainuddin Mansoori S/o Hazrat Ali R/o Village- Salimpur, PS- Gaura, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Md. Shamimul Hoda, Advocate
For the Opposite Party/s :	Mr. Upendra Kumar, APP
For the Informant :	Mr. Narendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-04-2025 Heard the parties.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Gaura PS. Case No.-54 of 2024, dated 04.05.2024 registered for the offences punishable under Section 384 of the IPC.

3. As per allegation, the land in question is in the name of the informant and it is also mutated in his name. However, the same was claimed by the accused persons, including the petitioners and there are series of civil litigations going on between them. It is further alleged that the accused petitioners are criminals and anti-social and do *rangdari*. They



extend threat to co-villagers saying that they are acting members of criminal gang and they can do firing on the land in question. Arms and ammunition have been assembled. They are bent upon to assault the informant and they plan to commit the offence.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that there is no allegation of any *actus reus* which could constitute any offence. At most, the informant has only apprehension of commission of offence by the petitioners, but there is no allegation of any specific act which could constitute any offence. He further submits that this case has been falsely lodged against the petitioners, because there are civil litigations going on in regard to the land in question.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner No. 1 has four criminal antecedents, whereas petitioner No. 2 has two criminal antecedents.

7. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the



petitioners for bail submitting that the petitioners are criminals and anti-social and they can commit offence any time against the informant.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra, in connection with Gaura PS. Case No.-54 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong,



learned court below shall cancel the bail bonds of the
petitioners.

(Jitendra Kumar, J.)

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