

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18424 of 2025

Arising Out of PS. Case No.-312 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. Md. Shamshad S/O Jhril Resident of Village- Ram Chauk (Bhowra), P.S-
Madhubani Town, District- Madhubani.
 2. Md. Shahadat S/O Pandoliya Resident of Village- Ram Chauk (Bhowra),
P.S- Madhubani Town, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2025 Heard Mr. Shailendra Kumar Jha, learned counsel
for the petitioners and Mr. Nawal Kishore Prasad, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Madhubani Town P.S. Case No. 312 of 2022,
F.I.R. dated 06.08.2022 for the offences punishable under
Sections 341, 323, 420, 465, 467, 468, 120(B) of the Indian
Penal Code.

3. According to prosecution case, the informant,
Asgari Khatoon, filed a complaint alleging that her inheritance
land in Bhawara village was illegally occupied. Her brother,
Md. Chand, sold his share of the land to neighbors Md. Ashraf



and others on 19.07.2022. The accused then began constructing a boundary on her portion of the land. When she protested, they assaulted her and her family. Ashraf claimed to have purchased the land from her brother and showed her a deed, which she alleges was forged with the help of the registering office staff.

4. Learned counsel for the petitioners submits that due to land dispute, the present occurrence has taken place. Although, the petitioners are named in the F.I.R. but from a bare perusal of the F.I.R., it appears that there is no specific allegation of assault or overt act attributed against the petitioners rather the allegation against the petitioners is general and omnibus in nature and the petitioners are made accused in the present case merely on the ground that the petitioners are cousin brothers of the co-accused persons namely, Md. Ashraf and there is a land dispute going on between Md. Chand and Md. Ashraf.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners carry one criminal antecedent other than the present one but fairly submits on the basis of paragraph No.3 of the bail petition that petitioners are on bail in the said case.



6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act attributed against the petitioners, due to admitted land dispute, the present occurrence had taken place and the petitioners have been made accused in the present case merely on the ground that they are cousin brothers of the co-accused Md. Ashraf, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned C.J.M., Madhubani, in connection with Madhubani Town P.S. Case No. 312 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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