

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27540 of 2025

Arising Out of PS. Case No.-318 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Naushad Alam S/o- Sahu Hussain Mian Village- Belghatti Ps-Turkauliya District- East Champaran
 2. Mozahir S/o- Noornain @ Saheb Mian Village- Belghatti Ps-Turkauliya District- East Champaran
 3. Izahir @ Ijahir Alam S/o- Noornain Mian @ Saheb Mian Village- Belghatti Ps-Turkauliya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Turkauliya P.S. Case No. 318 of 2024, dated 11.07.2024, lodged under Sections 126(2), 115(2), 118(1), 117(2), 76, 303(2), 352, 351(2), 109 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against seven named accused persons, including the present petitioners. The specific allegation against the present petitioners is that they assaulted the informant’s brother, resulting in a fracture in



his hand. The allegation against petitioner Nos. 2 and 3 is that petitioner No. 2 snatched a gold chain from the neck of the informant's brother, and petitioner No. 3 snatched the mobile phone of the informant's mother.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that it has already been indicated in the FIR that while the informant was going to plant his field, his tractor crossed through the petitioners' field. Upon objection, a scuffle took place between both sides, which resulted in the present case. Counsel further submits that there is no specific allegation against petitioner Nos. 2 and 3. The only allegation is against petitioner No. 1, and the allegations against petitioner Nos. 2 and 3 are ornamental in nature. The cause of the dispute has already been indicated as a land dispute relating to the crushing of plants in the field.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is a specific allegation against petitioner No. 1 of an attack with a lathi, which resulted in a fracture.

6. As such, in the present facts and circumstances of this case, let the petitioner No. 2, namely, Mozahir, & the



petitioner No. 3, namely, Izahir @ Ijahir Alam, be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023, to the satisfaction of Judicial Magistrate- 1st Class, Motihari, East Champaran, in connection with Turkauliya P.S. Case No. 318 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as the bail application of the petitioner No. 1, namely, Naushad Alam is concerned, his bail application is hereby **rejected**.

(Dr. Anshuman, J.)

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