

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23615 of 2025**

Arising Out of PS. Case No.-38 Year-2024 Thana- AAJAM NAGAR District- Katihar

1. Mustafa @ Md. Mustafa @ Gulam Mustafa S/O Late Daraullah Resident of Village- Nandnia ward no. 5, P.S- Azamnagar, District- Katihar.
2. Md. Dilsad @ Dilsad S/O Md. Mustafa Resident of Village- Nandnia ward no. 5, P.S- Azamnagar, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Musowir, Advocate

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      30-04-2025                      Heard learned Counsel for the petitioners and learned  
APP for the State.

2. The petitioners are apprehending arrest in connection with Azamnagar P.S. Case No. 38/2024 registered on 06.02.2024 for the offences punishable under Sections 341, 323, 324, 325, 307, 146, 147, 148, 379, 354/34 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged against sixteen accused persons, including the petitioners. It is alleged that the accused persons assaulted the family members of the informant, causing grievous injuries.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. It is further submitted that the cause of dispute, as clearly stated in the F.I.R. itself, is a land dispute between the parties. A case and counter-case have been registered in relation to the same incident, date, and place of occurrence. While the present case has been lodged by the informant as Azamnagar P.S. Case No. 38 of 2024, the petitioners' side has also lodged Azamnagar P.S. Case No. 56 of 2024. From the very contents of the F.I.R., it is evident that a longstanding land dispute exists between the parties. The case filed by the petitioners was lodged after a delay of six days, and the delay is reasonably explained on the ground that injuries were caused to the petitioners themselves during the incident. The petitioners have no criminal antecedents, and both parties are residents of the same village and are well acquainted with each other.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. In view of the aforesaid facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) each with two sureties of the like



amount each to the satisfaction of the learned CJM, Katihar, in connection with Azamnagar P.S. Case No. 38/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dr. Anshuman, J)**

Ashwini/-

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