

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51927 of 2024

Arising Out of PS. Case No.-223 Year-2021 Thana- GAYA MUFASIL District- Gaya

1. MD. SHAMSUDDIN SON OF ABDUL JABBAR VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
2. MD. SUBHAN SON OF LATE JABBAR MIYAN @ ABDUL JABBAR VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
3. MD. SHAMIM @ MD. SAMIR SON OF LATE MD. SALIM GARA VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
4. MD. SHAKEEL @ SHAKEEL SON OF LATE JABBAR MIYAN @ ABDUL JABBAR VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
5. MD. MUSTAK @ MD. MUSTAK MIYAN SON OF LATE ABDUL JABBAR @ JABBAR MIYAN VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
6. MD. MUSTAKIM SON OF MD. HALIM VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
7. MD. ISHAQUE SON OF LATE ALI MOHAMMAD VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
8. MD. RUSTAM SON OF MD. NAYEEM VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
9. MD. TAMJEED SON OF MD. SAMAD VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
10. MD. MOHSIN @ MD. MOHSIN ALAM SON OF LATE ABDUL AZIZ VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
11. MD. SHAHNAWAZ SON OF MD. MUMTAZ VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
12. MD. IMTEYAZ SON OF MD. MUMTAZ VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
13. MD. JUNAID @ MD. ZUBAIR SON OF MD. MUMTAZ VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
14. MD. SARFARAZ @ MD. SAHEB SON OF MD. MUMTAZ VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
15. MD. ALFAZ @ MD. ZEESHAN SON OF MD. MUSTAFA VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
16. MD. NASIM @ MD. BABU SON OF MD. SALIM GORA VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
17. MD. JASIM ALAM @ MD. SONU SON OF LATE MD. SALIM GORA VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
18. MD. NASEEM ALAM @ MD. NADEEM ALAM SON OF LATE MD. SALIM GORA VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA
19. HAMID SON OF SHAKUR MIYA VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA



20. MD. RAJA SON OF LATE MD. AKHTAR VILLAGE- BHADEJA, P.S.-
MUFFASIL, DISTT.- GAYA
21. AIYAZ @ MD. AIYAZ @ MD. MUNNA SON OF MUBARK @
MUSKAN VILLAGE- BHADEJA, P.S.- MUFFASIL, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil P.S. Case No. 223 of 2021 for the offence under Sections 147, 148, 149, 323, 324, 384, 385, 307, 504, 506, 354(B), 337, 338 and 379 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution story, the informant namely, Ram Bilas Pal, has alleged that on 15.05.2021 at about 4-7 P.M. the informant was renovating his old house then in the meantime, all the F.I.R. named accused persons armed with weapons, came there and demanded Rs. 50,000/- Extortion money out of which Rs. 20,000/- was given in fear of the accused persons. It is further alleged that the accused persons



disrobed the female members, assaulted them by bricks and stones due to which they sustained injuries. Also, they looted golden chain, earrings, cash and damaged other articles.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in the present case. There is admitted land dispute between both the parties. From perusal of F.I.R. it appears that attempt has been made to make specific allegation against each other to make a case of mob rioting which is not possible and the same alone gives rise an impression that the written report was written after meeting of mind and due deliberations. Learned counsel further submits that the allegation of assault and pelting of brick bats is there but surprisingly, no injury report is there to support the case of the prosecution and the allegation of theft is super addition. It is also submitted that a counter case has also been filed against the informant of this case by these petitioners i.e., Muffasil P.S. Case No. 224 of 2021.

5. Learned APP opposes the prayer for bail.

6. From perusal of F.I.R. and case diary it appears that no specific allegation of assault has been attributed against any of the petitioners. In case diary para 6, 7 and 8 speaks about



land dispute and boundary dispute between both the parties and no injury report is available in the case diary. Keeping in view the aforesaid facts, this Court is inclined to grant the above named petitioners the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 223 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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