

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4433 of 2024

Arising Out of PS. Case No.-232 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

1. Raja Hussain @ Raza Hussain S/o Ali Hussain R/o vill - Safiyabad, P.S. - Baikunthpur, Distt. - Gopalganj
2. Janat Husain S/o Ali Hussain R/o vill - Safiyabad, P.S. - Baikunthpur, Distt. - Gopalganj
3. Nazir Hussain S/o Ali Hussain R/o vill - Safiyabad, P.S. - Baikunthpur, Distt. - Gopalganj
4. Rozaddin Hussain S/o Ali Hussain R/o vill - Safiyabad, P.S. - Baikunthpur, Distt. - Gopalganj

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Ram S/o Muneshwar R/o Safiyabad, P.S. - Baikunthpur, Distt. - Gopalganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Rajesh Chaudhary, Advocate
For the State	:	Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 02-12-2025 Heard learned counsel for the appellants, learned Special Public Prosecutor for the State and learned counsel for the informant / respondent no. 2.

2. This appeal is preferred against the order dated 17.08.2024 passed by the learned Additional District & Sessions Judge-XI cum- Exclusive Special Judge, S.C./S.T., Gopalganj, in connection with Baikunthpur P.S. Case No. 232 of 2024 registered for the offence under sections 126(i), 115(2), 303(2), 352 and 3(5) of the B.N.S. and under sections 3(1)(r), 3(i)(s) of



the S.C./S.T. Act, by which the prayer of the appellants for grant of anticipatory bail has been rejected.

3. The appellants are said to have abused the informant by taking their caste name. They are also said to have assaulted the informant with lathi, sticks etc and further took Rs. 16,630/- from the shop of the informant and also committed theft of articles worth Rs. 50,000/- from the shop of the informant.

4. Learned counsel for the appellants submits that both the sides are co-villagers and there is land dispute for a common passage / rasta between the parties. He further submits that the allegations made in the F.I.R. against the appellants appears to be vague and without relevant details.

5. Learned Special Public Prosecutor for the State and learned counsel for the informant opposed the prayer of the appellants for grant of bail.

6. Having considered the submissions of learned counsel for the appellants and also the fact that there is a preexisting land dispute between the parties, this Court is inclined to grant anticipatory bail to the appellants.

7. Accordingly, this appeal is allowed and the impugned order dated 17.08.2024 is hereby set aside.



7. Let the appellants, in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-XI cum-Exclusive Special Judge, S.C./S.T., Gopalganj/ concerned Court, in connection with Baikunthpur P.S. Case No. 232 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

(Sandeep Kumar, J)

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