

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4580 of 2024

Arising Out of PS. Case No.-149 Year-2024 Thana- BIHAR District- Nalanda

Mohammad Shakil Ahmad @ Mohammad Shakil S/o- Late Sarfuddin @ Late Safuddin @ Tapo R/o - Banauliya, P.S - Bihar Sharif, District - Nalanda

... .. Appellant/s

Versus

1. The State of Bihar
2. Mukesh Kumar Son of Rajendra Chaudhary R/o - Banauliya, P.S - Bihar Sharif, District - Nalanda

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Pankaj Kumar, Advocate
For the State : Mr.Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 27-11-2025 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State.

2. This appeal is preferred against the order dated 04.09.2024 in ABP No. 1394 of 2024 passed by the learned 6th Additional Sessions Judge-cum- Special Judge, SC/ST Act, Nalanda at Bihar Sharif arising out of Bihar Sharif P.S. Case No. 149 of 2024 registered for the offence under sections 307, 392, 420, 445, 452, 504, 351, 354, 379 read with 120B of the IPC; Section 27 of the Arms Act and Section 3 of the S.C./S.T. Act, by which the prayer of the appellant for grant of anticipatory bail has been rejected.

3. The present FIR has been registered based upon



the complaint petition bearing no. 1113C of 2022 by one Mukesh Kumar. The allegation against the appellant is that of forcibly taking possession by breaking the lock of the house and looting the house of the complainant and when the complainant-informant protested, the appellant is alleged to have threatened him using country made pistol and abused him by taking his caste name.

4. Learned counsel for the appellant submits that the present F.I.R. has been lodged on the basis of the complaint petition by the complainant on account of personal grudge and due to land dispute bearing Title Suit No. 376 of 2021 under specific relief act.

5. Learned Special Public Prosecutor for the State has opposed the prayer of the appellant for grant of bail.

6. I have considered the submissions of the parties.

7. Considering the nature of allegation and also the fact that there is land dispute between the parties, this appeal is allowed. Accordingly, the impugned order dated 04.09.2024 is set aside.

8. Let the appellant, 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)



with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, S.C./S.T. Nalanda at Bihar Sharif/concerned Court, in connection with Bihar Sharif P.S. Case No. 149 of 2024, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the BNSS.

9. In case any further FIR is filed against the appellant, the complainant-informant will be at liberty to move for cancellation of the bail granted by this Court.

(Sandeep Kumar, J)

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