

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68875 of 2025

Arising Out of PS. Case No.-52 Year-2023 Thana- TERHAGACHH District- Kishanganj

1. Israil @ Israeel S/o Ajida @ Ajim Uddin R/o Village - Beli, P.S - Tedhagachh, District - Kishanganj
2. Gyasuddin S/o Chamro Uddin R/o Village - Shivagachhi, P.S - Tedhagachh, District - Kishanganj
3. Salauddin @ Salahuddin S/o Raisuddin R/o Village - Lodhabari Rahat Tola, P.S - Tedhagachh, District - Kishanganj
4. Naruwa @ Nurwa @ Nur Mohammad @ Noor Mahammad S/o Alafat R/o Village - Lodhabari, P.S - Tedhagachh, District - Kishanganj
5. Aashif Raza @ Aasif Raj S/o Naimuddin R/o Village - Dhabeli, P.S - Tedhagachh, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Tedhagachh (Teddagachh) P.S. Case No. 52/2023 registered for the offences punishable under Sections 147/148/149/426/427/435/436/504/506/120(B) of the Indian Penal Code.

3. As per prosecution case, on the occasion of Moharram the petitioners and thousands of people were present



at Karbala field where the demonstration and art of stick playing were going on when 70-80 persons alongwith weapons, bricks, stone and petrol came to the house of the informant. It is alleged that the petitioners and others are said to have started pelting brick and stone on the house of the informant and they also threw petrol and set the house on fire. The informant and others have managed to save their life. It is further stated that accused persons set fire to the cattle shed and to informant's field. It is further alleged that co-accused Shah, Faiz and others threatened the informant that if he does not vacate the land of Karwala, then on every Moharram such incident will be repeated and several persons would be killed. It is alleged that reason behind the said occurrence is land of Karwala.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. The petitioners bear no criminal antecedent. There is inordinate delay of three days in lodging the FIR as occurrence took place on 29.07.2023 and FIR has been lodged on 01.08.2023 and no plausible explanation has been given regarding the said delay. The petitioners are merely members of mob and there is no specific allegations against petitioners. From perusal of FIR, it appears that land dispute is the core



issue and the petitioners have falsely been implicated in the present case without any basis. He further submits that during course of investigation, it appears that not a single cattle has been burnt or sustained any burn injuries, therefore, the allegation stands falsified. He further submits that all the sections are bailable except Section 436 of the I.P.C. which is not attracted against the petitioners as there is specific allegation against co-accused Shah Faiz who set fire to the cattle's house. He further submits that on similar and identical allegation co-accused Sahab Babu @ Md Sahab Babu and others have already been granted anticipatory bail by the co-ordinate Bench of this court vide Cr. Misc. No.3198/2024 and on the principle of parity, the petitioners also deserve same treatment.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, similar and identical allegation co-accused persons have already been granted anticipatory bail, there is no specific allegation against the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or



surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Kishanganj in connection with Tedhagachh (Teddagachh) P.S. Case No. 52/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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