

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85463 of 2024
Arising Out of PS. Case No.-171 Year-2024 Thana- CHAUSA
District- Madhepura

- =====
1. Md. Parbez Ali @ Md. Parbez S/o- Late Md. Taslim Resident of Village- Birbal Tola, Ward No 1, PS-Chausa, District-Madhepura
 2. Md. Sullah @ Md. Salman @ Md. Suleman S/o- Late Md. Baze Resident of Village- Birbal Tola, Ward No 1, PS-Chausa, District-Madhepura
 3. Md. Mateshar @ Mutashir @ Motashir Alam @ Md. Motassir alam S/o- Md. Nazim @ Md. Naim Akhtar Resident of Village- Birbal Tola, Ward No 1, PS-Chausa, District-Madhepura
 4. Md. Wasim Raj @ Md. Bablu @ Md. Bablu Hussain S/o- Md. Samim Resident of Village- Birbal Tola, Ward No 1, PS-Chausa, District-Madhepura

... .. Petitioners.

Versus

1. The State of Bihar
2. Sanjeev Kumar S/o - Kapil deo Pd. Gupta Vill - Saligram, P.S. - Sahebpur Kamal, Distt. - Begusarai.

... .. Opposite Parties.

=====

Appearance :

For the Petitioners : Mr. Pranav Kumar Jha, Advocate
For the State : Dr. Indivar Kumari, APP

=====

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 26-06-2025 Heard learned counsel for the petitioners and learned APP for the State. The informant was impleaded as opposite party no.2 and notice had been issued. However, despite notice having been issued, no one appears on behalf of opposite party no.2.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application on behalf of petitioner nos.2 and 4 as they have been arrested and the same has become



infructuous.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner nos.2 and 4.

5. Now, this application survives only for petitioner nos.1 and 3.

6. The petitioners apprehend their arrest for the offences punishable under Section 191 (2), 191 (3), 190, 126 (2), 115 (2), 76, 132, 309 (5), 121 (1), 121 (2), 352, 351 (2) and 3 of the B.N.S.

3. The present case has been lodged by Sub Inspector of Police, Chausa Police Station, Madhepura against seven named and ten to fifteen unknown accused persons making an allegation that when he went to enquire upon an application received by one Neelam Devi that the accused persons had indulged in cutting earth/soil from her land, the accused persons, who were sitting with sticks, caused impediment in the official work of the informant and tried to snatch away rifle from a Home Guard, tease and misbehaved with female constable besides indulging in brick batting.

7. Learned counsel for the petitioners submits that the allegations made in the first information report are totally false and, as a matter of fact, a bare perusal of the first information report would show that totally unbelievable allegations have been made with regard to assaulting the police and even misbehaving with



female constable. He further submits that as against the allegation that they were assaulted, there is no injury report on record to substantiate such allegation. Further, by way of supplementary affidavit, the documents of land in question have been brought on record showing the bonfa fide claim of the petitioners on the land in question and the dispute raised by contesting side with respect thereto. Petitioner nos.1 and 3 have no criminal antecedent.

8. Taking into consideration the abovementioned facts and circumstances of the case, let the above named petitioner nos.1 and 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court below where the case is pending/ successor Court in connection with Chausa P.S. Case No.171 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J.)

Trivedi/-

U		T	
---	--	---	--

