

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84459 of 2024

Arising Out of PS. Case No.-290 Year-2022 Thana- CHAUSA District- Madhepura

1. Md. Alif Alam S/O Late Md. Shekh Jhakhari Village- Chousa (West), P.S- Chousa, District- Madhepura.
2. Md. Saddam Alam @ Md. Saddam S/O Md. Alif Alam Village- Chousa (West), P.S- Chousa, District- Madhepura.
3. Md. Farrokh @ Farookh Alam S/O Md. Alif Alam Village- Chousa (West), P.S- Chousa, District- Madhepura.
4. Md. Mister S/O Md. Alif Alam Village- Chousa (West), P.S- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Chousa P.S. Case No. 290 of 2022, registered on 21.12.2022, for the offences punishable under Sections 341, 323, 307, 354(B), 379, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against five named accused persons, including the petitioners, with allegations that they initially abused the informant and



threw bricks at him. Subsequently, they again reached on the spot, surrounded the informant and his family, assaulted them with *lathi*, *danda*, and sword, and looted a sum of Rs. 38,080/- from the informant's shop. It has also been alleged that petitioner Nos. 3 and 4 attempted to outrage the modesty of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. It is further submitted that the petitioners and the informant are adjacent neighbours, and for the same date and place of occurrence, both sides have lodged a case and counter-case. The petitioners' side has lodged Chousa P.S. Case No. 288 of 2022, while the informant's side has lodged Chousa P.S. Case No. 290 of 2022. Counsel submits that neither the petitioners nor the accused persons are habitual offenders, rather, the incident occurred on the spur of the moment due to a boundary dispute. It is also submitted that injuries were sustained by members of both sides. Counsel further submits that the petitioners have clean criminal antecedents.

5. Learned APP for the State opposes the prayer for bail and submits that the case diary has been called for and the injury report has been received. From the injury report, it



appears that the injuries sustained by Md. Talim are simple in nature, while in the case of Md. Tayed, the medical opinion has been reserved as the X-ray report has not yet been submitted.

6. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Udakishunganj, Madhepura, in connection with Chousa P.S. Case No. 290 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

Aman Kumar/-

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