

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78996 of 2025

Arising Out of PS. Case No.-214 Year-2015 Thana- PALASI District- Araria

1. Md. Sainuddin @ Sainuddin, S/O Late Nasiruddin, R/o Village- Dhangama, Ward No. 01, P.S.- Palasi, District-Araria, (Bihar)
2. Md. Sahabuddin @ Sahabuddin, S/O Md. Sainuddin @ Sainuddin, R/o Village- Dhangama, Ward No. 01, P.S.- Palasi, District-Araria, (Bihar)
3. Ashabuddin @ Ashabuddin @ Md. Ashabuddin, S/O Md. Sainuddin @ Sainuddin, R/o Village- Dhangama, Ward No. 01, P.S.- Palasi, District-Araria, (Bihar)
4. Md. Abu Talib @ Abu Talib, S/O Md. Sainuddin @ Sainuddin, R/o Village- Dhangama, Ward No. 01, P.S.- Palasi, District-Araria, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-12-2025 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Palasi P.S. Case No. 214 of 2015, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

3. Allegedly on the fateful day, while the informant has reached over his land and found that the accused persons are engaged in fencing the same and when he inquired the matter,



all the accused persons including the petitioners have assaulted him by means of various weapons, due to which he sustained serious injury, besides there is allegation of snatching of Rs. 32,000/- from the pocket of the informant.

4. Learned Advocate appearing on behalf of the petitioners submitted that from the narratives of the FIR it is evident that the genesis of the occurrence is a land dispute, moreover, there is a counter version of the present case being Palasi P.S. Case No. 213 of 2015, which is on earlier point of time. The injuries which are allegedly found over the body of the informant, have been found to be simple in nature. Taking note of the entire facts, the petitioners were accorded police bail, as the case was found true only under the bailable sections. Subsequently, Section 307 of the Indian Penal Code was added with the approval of the Superintendent of Police, Araria vide order dated 16.07.2025 after lapse of nine years and the police officer directed the investigating officer of the case to arrest the petitioners; hence the present application for anticipatory bail.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that besides the fact the petitioners are facing one criminal antecedent, there is specific allegation of causing assault to the informant.



6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the fact that initially the case was found true under all the bailable offences and later on, Section 307 of the Indian Penal Code was added after nine years, coupled with the other facts noted hereinabove, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Palasi P.S. Case No. 214 of 2015, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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