

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87281 of 2024

Arising Out of PS. Case No.-437 Year-2024 Thana- SUPAUL District- Supaul

1. Md. Kaiyyum @ Md. Kaum @ Md. Kaiyum S/o Late Md. Suleman R/o Village- Nunupatti, Ward No. 2, P.S. and Distt.- Supaul.
2. Bibi Naazo @ Gudri @ Nazra Khatoon @ Bibi Najo W/O Md. Kaiyyum @ Md. Kayum R/o Village- Nunupatti, Ward No. 2, P.S. and Distt.- Supaul.
3. Md. Saabir @ Md. Sabir S/O Late Imam Ali R/O Village- Chainsinghpatti, Ward No. 3, P.S. and Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Supaul Police Station Case No. 437 of 2024, disclosing offence under Sections 191 (2), 191(3), 190, 329(3), 126(2), 115(2), 117(2), 74, 109, 124(1), 303(2), 352 and 351(3) of the B.N.S.

3. The prosecution case, as per the First Information Report, on 06.07.2024, in the morning due to previous land dispute, petitioners and other accused persons armed with lathi, danda etc., entered into the house of the informant. On the order



of the petitioner no. 1, co-accused Haaris assaulted the informant by means of iron-rod and when his wife intervened, another co-accused Md. Rashid threw acid over informant's wife. It has further been alleged that petitioner no. 2 snatched silver chain/pendant from the informant's wife. There is no overt act against the petitioner no. 3.

4. Learned Counsel for the petitioners submits that from perusal of the F.I.R. itself, it would evident that there was land dispute between both the parties. He further submits that the present F.I.R. has been lodged as the counterblast to the complaint case bearing Case No. 725c of 2024 filed by the petitioner no. 1 against the informant and his family members. He next submits that petitioner no. 1 is an order giver and there is no specific overt act against petitioner no. 3. The allegation against petitioner no. 2 is ornamental. Petitioners are having no criminal antecedent and the injury caused to the informant is simple in nature.

5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that both the parties are having land dispute, case and counter case is there and considering the nature of allegation against the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, in connection with Supaul Police Station Case No. 437 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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