

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3453 of 2025

Arising Out of PS. Case No.-178 Year-2024 Thana- BAJPATTI District- Sitamarhi

Md. Sad @ Md. Abdul @ Md. Abdul Sad Son of Late Md. Nurhasan @ Noor Hasan @ Mohammad Noorhasan Resident of Village - Madhuban Got, Ward No.6, P.O. - Madhuban Basaha, Bajpatti, Police Station - Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Abu Nasar, Advocate
For the State : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 448, 341, 323, 324, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 16.06.2024 at about 8 PM, all the accused persons named in the F.I.R., including this petitioner, armed with iron rod, hockey stick and *chhura*, entered into house of informant by breaking gate and started misbehaving with her minor daughter and tried to take her away. Upon protest, all the accused persons brutally assaulted informant and her husband by means of iron rod and *danda*. It is further alleged that all the accused persons looted



cash of Rs. 50,000/- and other household articles.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has committed no offence. As a matter of fact, due to existing land dispute between the parties a scuffle took place in which both sides sustained injuries. As per F.I.R., the alleged incident took place on 16.06.2024, however, the F.I.R. has been lodged after inordinate delay of 11 days on 27.06.2024 and there is no plausible explanation for the same. It is further submitted that earlier, informant had preferred an application before the S.H.O., Baparri Police Station on 24.06.2024 for the alleged crime committed on 16.06.2024 against this petitioner and co-accused Md. Ladale, on the basis of which Bajpatti P.S. Case No. 174 of 2024 was registered for the offences punishable under Sections 341, 323, 324, 325, 504, 506 and 34 of the Indian Penal Code and being dissatisfied, this false and concocted case has been lodged for the same occurrence. Doctor has found the injuries sustained by the injured to be simple in nature.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.



6. Considering the aforesaid facts and circumstances, nature of accusation, delay in lodging of the F.I.R. and nature of injuries sustained by the injured, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Sitamarhi at Purpri in connection with Bajpatti P.S. Case No. 178 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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