

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49656 of 2026

Arising Out of PS. Case No.-128 Year-2023 Thana- PALASI District- Araria

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1. Md. Tabrej Alam @ Md. Tabrej @ Tavrej Alam @ Tabrej S/O Jamil Uddin R/O Vill.- Palasi Chahtpur, ward no. 8, P.S.- Palasi, Dist.- Araria.
 2. Abesh @ Md. Abesh S/O Haroon R/O Vill.- Jhamta, Ward no. 1, P.S.- Tarabari, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioners and learned
APP appearing on behalf of the State.

2. Learned counsel for the petitioners submits that during the pendency of the case, petitioner no.1 has been arrested. Hence, the anticipatory bail application of petitioner no.1 has become infructuous. He therefore seeks permission to withdraw the bail petition with regard to the petitioner No-1.

3. Permission is granted.

4. Accordingly, the anticipatory bail application of petitioner No-1 is dismissed as withdrawn.

5. So far as petitioner No-2 is concerned, he is apprehending his arrest in connection with Palasi P.S case No.

128 of 2023 instituted for offence under Sections 341, 323, 324, 307, 379, 504 and 34 of the Indian Penal Code.

6. As per the prosecution's case, the informant gave a fardbeyan before the police alleging that an incident took place regarding a land dispute. The accused persons named in the FIR, armed with weapons, came at his doorstep and started hurling abuses. When the informant protested, the accused began assaulting and punching him. Petitioner No. 2 assaulted the informant's forehead by hitting him with an iron rod. When the informant's son, namely Aalid, came to his rescue, Md. Tabrej (Petitioner No. 1) struck him on the forehead with a sharp sword and also assaulted other family members. During the scuffle, co-accused Abid snatched ₹5,000 from the informant's pocket, and co-accused Abulesh took his mobile phone. The accused persons also threatened to kill them all.

7. Learned counsel for the petitioners submits that the petitioner No-2 is innocent and has committed no offence. The defence case is one of complete denial of the prosecution story as alleged in the FIR. It is submitted that the petitioner No-2 has been falsely implicated in the present case due to land dispute and has no concern whatsoever with the alleged occurrence. It is further submitted that there is a case and counter-case between

the parties, and both sides sustained injuries.

8. Learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail of petitioner No-2 and submitted that, as per the allegations made in the FIR, petitioner No-2 Md. Abesh assaulted the informant with an iron rod, causing injuries to his head. It is further submitted that the injury report of Md. Hafeez(the informant), as annexed in Annexure P/2 series , reveals that he sustained a lacerated wound over the right side of the scalp in the parietal region, measuring $3\frac{1}{2} \times \frac{1}{2} \times \frac{1}{4}$ inches, caused by a hard and blunt substance. The investigation is still going on.

9. Having heard the learned counsel for the parties and Considering the aforesaid facts and specifically the injuries sustained by the informant on vital part of the body which was caused by petitioner No-2, this Court is not inclined to enlarge the petitioner No-2 on bail and, as such, his prayer for anticipatory bail stands rejected.

(S. B. Pd. Singh, J)

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