

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-I, GAYA
ANTICIPATORY BAIL PETITION No. 1328/2026

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Md. Haidar S/o Late Gulam Mohammed
R/o Village- Sadipur, P.S.- Chakand, District- Gaya

----- Petitioner

VERSUS

The State of Bihar

----- Opposite Party

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11.06.2026

An anticipatory bail application has been filed on behalf of the above named accused/petitioner, who is apprehending his arrest in connection with ***Chakand P.S. Case No. 44/2023***, for the offences registered **U/s. 188, 353, 384, 385, 386/34 of the IPC, pending in the Court of Ld. A.C.J.M.-X, Gaya.**

2. Heard both the sides on the bail application.

3. Learned defence counsel, submitted that prior to this, the petitioner has not filed any anticipatory bail petition before this Court or before the Hon'ble Patna High Court. It is further submitted that petitioner is innocent, committed no offence and has falsely been implicated in this case. It is further submitted that it is true the name of the applicant is mentioned in the written report of informant but police has not mentioned the name of applicant in the accused column of the formal F.I.R. There is no murmuring or whisper against the applicant either in the case diary or in the charge-sheet. Now recently police knocked the door of applicant for arrest. The police never obtain the warrant of arrest against the applicant up till now, which is evident from the record itself. There is no any specific allegation attributed against the petitioner, hence offence define U/S 384, 386, 353 of I.P.C. is not applicable. Co-accused Md. Shakil @ Laddu and Md. Zalil have been granted anticipatory bail by the Hon'ble High Court, Patna vide Cri. Misc. No. 49208/2023 dated 05.03.2024 and the case of the accused petitioner stands on similar footing. Co-accused Md. Nasim has also enlarged on bail by Ld. A.S.J.-I, Gaya vide B.P. No. 2026/2024, dated 12.09.2024. Lastly he submitted that petitioner has no criminal antecedent. Hence, it is prayed to grant the privilege of anticipatory bail to the accused petitioner.

Per contra the Ld. A.P.P. appeared on behalf of State opposed the prayer for anticipatory bail.

Prosecution story in brief is that one Vishal Chaudhary, S/o Sri Kashinath Chaudhary, posted at Town Block as a Revenue Karamchari filed written application before SHO, Chakand police station. He alleged that on the oral order of town CO, he reached at village- Sadipur, Tola Mahmudabad under the PS No. 207, Khata No. 340, Plot No. 725, which is government plot. The accused persons have built an attractive multi stories on that government land whereas on that plot an encroachment case was going on vide Encroachment Case No. 12/2023. Notice were sent to the accused persons including petitioner on 15.11.2022 and despite the notice, the construction work is being carried on by the encroachers.

Heard both the parties and perused the material available on record. From perusal, it appears that petitioner is named in the F.I.R. The allegation against the petitioner is of encroaching of government land. From perusal of the record, it appears that the name of accused petitioner Md. Haider is mentioned in written application of F.I.R. but the name of this accused petitioner has not been mentioned in relevant column i.e. para 07 of formal F.I.R. From perusal of the case diary, it also appears that re-statement of the informant has been recorded in para 02 of the case diary, from perusal of which it also appears that name of the accused petitioner has been crossed. From perusal of charge-sheet, it also transpires that charge-sheet has been submitted against the co-accused persons namely 1. Md. Shakil, 2. Md. Jalil, & 3. Md. Nasim but nothing has been written about this accused petitioner. Vide para 10 of the case diary, no criminal antecedent was found against the accused petitioner. Moreover, the name of the co-accused persons specifically mentioned in the relevant column of F.I.R. have already been granted anticipatory bail by the Hon'ble High Court, Patna vide Cri. Misc. No. 49208/2023, dated 05.03.2024.

Considering the aforesaid facts and circumstances of the case and other materials on record, this court thinks it fit to grant the privilege of anticipatory bail to the petitioner. Accordingly, it is directed that in the event of his arrest or surrender before the Ld. Trial Court within a month from the date of this order, the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of like amount each along with all the conditions stipulated U/S 438 of Cr.P.C. (now Section 482 of BNSS)

(Dictated)

Sd/-

(Shashi Kant Ojha)
Addl. Sessions Judge-1, Gaya
11.06.2026