

In the Court of the Principal Sessions Judge, Gopalganj

A.B.P.No. 992 of 2026

Rustam Ali-----Petitioner.

Versus.

State of Bihar :-----Opp.party.

For the Petitioner :- Shri Dhananjay Kumar Dwivedi, ld. Adv.,

For the State :- Shri Deo Vansh Giri, ld. P.P.

11-05-2026

O r d e r.

Anticipatory bail petition filed on behalf of accused-petitioner Rustam Ali, who is apprehending his arrest in connection with Yadavpur P.S. Case No. 92 of 2024, registered U/S 341, 323, 326, 379, 504 and 506/34 of the I.P.C., is put up for hearing.

It is inter alia submitted on behalf of petitioner that he is innocent, has committed no offence and has been falsely implicated in this case. It is further submitted that petitioner have got no criminal antecedent. It is further submitted that the entire allegation made in the F.I.R. is totally false and concocted. It is further submitted that accused Azad Alam has been granted bail in B.P. No. 1066/25 by this court. It is further submitted that one counter-case of Yadavpur P.S. Case No. 91/2024 has been filed by the petitioner against the informant and others. It is further submitted that both the parties are pattidar and there is bona fide land dispute between the parties. It is further submitted that no case U/S 341, 323, 326, 379, 504 and 506/34 of the I.P.C. is not made out against the petitioner. It is lastly submitted that there the police and informant did not disclose the delay of the F.I.R. On such strength, prayer for anticipatory bail has been made.

Per contra, ld. P.P. has opposed the anticipatory bail prayer.

It is inter alia alleged in the F.I.R. that on the alleged date and time of occurrence, petitioner along with other accused persons was forcefully filling the soil in the field of the informant and seeing this, informant went there and made protest, over which all the accused persons while abusing started assaulted the informant with Dab and rod. It is alleged that with intention to kill, informant was attacked on his head with Dab and in order to save himself, he sustained cut injury in his hand. It is alleged that accused Azad Ali and accused Manoddin Mian attacked on the head of informant's mother namely Edal Khatoon and she sustained bleeding injury on her head and she fell down. It is alleged that petitioner Rustam Alam and accused Mainoddin Mian snatched ear-ring and gold from the informant with intention to commit theft.

(Contd./11-05-2026)

Heard ld. lawyer for the petitioner as well as ld. P.P. for the State and perused the case record as well as case diary. From perusal of the F.I.R., it is evident that although, petitioner is named in the F.I.R. but there is no specific allegation attributed against him rather the allegation is general and omnibus and allegation of theft is ornamental. At para-38 of the case diary, it is evident that due to land dispute, assaulted took place between the parties. At para-63 of the case diary, it is evident that due to land dispute, assault took place between the parties and both sides have sustained injuries and there is case and counter-case between the parties and it appears that it is a matter of free-fighting. Para-81 of the case diary shows that petitioner has got no criminal antecedent. From perusal of the injury report of Amir Hussain attached with the case diary, it appears that injury is found to be simple in nature caused by sharp cutting substance. From perusal of the injury report of injured Idan Khatoon attached with the case diary, it appears that although, injury is found to be grievous in nature but she was assaulted by accused Azad Ali and Mainoddin Mian, who are not petition in this case and accused Azad Ali has been granted bail by this court in B.P. No. 1066/25 and accused Mainoddin Mian has been granted bail by the Hon'ble High Court, Patna in Cri. Misc. No. 66853/2025.

Considering the aforesaid facts and circumstances of this case, the prayer for anticipatory bail of the petitioner is allowed. It is accordingly ordered that in the event of arrest or surrender before the ld. Court-below within 30 days from the date of this order, the above named petitioner shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of ld. Court-below subject to conditions as laid down U/S 482(2) B.N.S.S.

Let a copy of this order be transmitted to the ld. Court below and the order be uploaded on C.I.S. immediately.

Dictated

(Sanjeev Kumar Singh)

Principal Sessions Judge, Gopalganj