

Anticipatory Bail Petition 131/26

Court of Sri Rakesh Kumar Mishra, Dist. & Addl. Sessions Judge-I Khunti

CNR No. JHKH010007892026 _

15.07.26 A petition for grant of anticipatory bail filed on behalf of the petitioners namely **(1) Alfaz Alam S/o Ishak Iraqui, and (2) Kamlesh Gope S/o Jagdish Gope**, who are apprehending their arrest in connection with Karra PS case No.22/26, u/s 126(2)/115(2)/109/318/74/303/351/3(5) of BNS 2023, being moved today by learned counsel appearing on behalf of the petitioners.

Case of the prosecution in brief, as per written report of informant is that the landed property situated at Mauza Kansilli under Karra PS vide R.S. Khata no.3, plot no. 487 and 238/496 belonging to ancestral property. On 25.03.26 at about 9:00 AM, all the above named accused persons alongwith other accused persons with the land brokers transgressed and tried to dispossess, the informant and some of them claimed to have purchased the land fraudulently for which cases are pending before the Civil Court, Khunti more over the cases are pending in between both the parties in the court of SDM, Khunti and DCLR, Khunti. It is further alleged that the accused persons forcefully dispossess the informant from his ancestral land and suddenly mounted assault upon them, due to which got injury. It is further alleged that the female members of the informant namely Usha Devi, Sandhya Devi, Beena Devi, Kiran Devi and Namita Devi were also became the victim outrageous action of crowded person as and in course of altercation Rs. 2000/- was also snatched from the pocket of the elder brother of the informant

Learned counsel for the petitioners has submitted that petitioners are quite innocent and has committed no offence as alleged in the FIR and falsely implicated in this case by way of fabricating, manufacturing and embellishing a story.. It is further submitted that the informant Karan

Anticipatory Bail Petition 131/26

Kumar Sahu was assaulted over his head by virtue of an iron rod with an intention to kill him from his backside by Raja Rahul (informant of this case) causing grievous injuries on his head and this led Raja Rahul to institute the counter case vide Karra P.S. case No. 22/2026 against the petitioner with the help of fake story just to save their screen with omnibus allegations. It is further submitted that petitioners have not done any overt act or did any aggressive attempt against the informant or by his associates. It is further submitted that from perusal of the entire contention allegation imputed against the petitioners are obscure, false and do not have any merit towards the involvement of the petitioners in the alleged crime. It is further submitted that petitioners are ready to furnish fit and local bailer to the satisfaction of the learned Court below if your honour is pleased to release them on anticipatory bail. Hence no charge u/s 109 of BNS is made out against the petitioners and other sections are bailable in nature, therefore petitioners deserve the bail.

On the other hand, Ld. Addl P.P. opposed the prayer for bail of the petitioner on the ground that petitioners are named in FIR.

Heard both sides and perused the case record, from perusal of case record it transpires that the instant is a case of u/s 126(2)/115(2)/109/318/74/303/351/3(5) of BNS 2023. From perusal of the case diary and injury report of the victim it transpires that all the witnesses have stated in their statement that crowd had assaulted the victim. There is no specific allegation against the petitioners and all the allegations made in the written report are general and omnibus allegation. All the offence alleged except u/s 109(1) of BNS are punishable with punishment upto five years only whereas from the material available on record, it appears that there was no intention of murder of the informant/victim by the petitioners herein and this is a case of counter blast of Karra PS case No.21/26, which was registered against the informant of this case by one of the co-

Anticipatory Bail Petition 131/26

accused of this case. It further transpires that there is a land dispute in between both the parties.

Considering the submission of learned counsel and the facts and circumstances stated above, I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, the petitioners named above are directed to surrender in the court of learned Magistrate within a period of 20 days from today and in the event of their arrest or surrender the petitioners shall be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of the like amount each to the satisfaction of learned court below with condition that petitioners shall submit their photo copy of Aadhar card and mobile number which they shall keep active till disposal of this case and they shall remain physically present in the trial court after submission of charge-sheet on each and every date till disposal of the case.

(Dictated)

Sd/-

(Rakesh Kumar Mishra)
Dist. & Addl. Sessions Judge-I

Khunti