

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.52823 of 2016**

Arising Out of PS.Case No. -121 Year- 2013 Thana -PAHARPUR District-  
EASTCHAMPARAN(MOTIHARI)

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Aale Imam @ Pappu son of Late Zahir Alam resident of village Barkurwa,  
P.S. Pharpur, District - East Champaran.

.... .... Petitioner/s

Versus

The State of Bihar.

... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s

: Mr. Rajendra Kishore Prasad

Ms. Rekha Prasad

Mr. Rohit Kishore Prasad

For the Opposite Party/s

: Mr. Sri Parmeshwar Mehta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

**ORAL ORDER**

2      07-12-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Paharpur P.S. Case No. 121 of 2013 registered under  
Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal  
Code.

The accusation is that 9 persons named in the F.I.R.  
including the petitioner came at the door of the informant, where  
the informant was engaged in constructing the house and started to  
abuse. When Tuna Alam and Akib Alam both son of the informant  
reached there then petitioner and other co-accused assaulted them  
through Garasa and Bhala. In the meantime, one Saidur Rahman  
snatched the gold chain and cash Rs. 10,000/- from the son of the  
informant.



Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that while the petitioner is named in the F.I.R., but no specific overt act has been alleged against the petitioner. Moreover, after investigation, the Police submitted the final form against the petitioner finding the case untrue against him, but the learned C.J.M. took cognizance against the petitioner. It is also submitted that Anisur Rahman, Fariyad Alam, Saidur Rahman, Arshad Alam, Nausad Alam and Atikur Rahman, who were also named in the F.I.R. with general allegation, have already been allowed anticipatory bail by a Bench of this Court vide Cr. Misc. No. 8103 of 2014 on 05.05.2014. Further submission is that a compromise petition signed by both the injured has also been filed in the Trial Court on 11.03.2016.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1<sup>st</sup> Class, Motihari, East Champaran in connection with Paharpur P.S. Case No. 121 of 2013, subject to the condition as laid down under Section 438(2)



of the Cr. P.C.

Shail/-

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**(Rajendra Kumar Mishra, J)**

