

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59864 of 2019

Arising Out of PS. Case No.-637 Year-2019 Thana- FORBESGANJ District- Araria

1. Md. Habi @ Md. Habil @ Md. Akhlaqur Rahman Son of Abdul Nasir Resident of Village- Rampur Dakshin, P.S.- Forbesganj, District- Araria.
2. Md. Shamim Son of Late Bauni @ Boni Resident of Village- Rampur Dakshin, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate.
For the State	:	Mr. Akbar Ali, Advocate.
For the Informant	:	Mr. Vijay Kishore Bharti, Advocate Mr. Abhijeet Gautam. Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 15-10-2019 Heard learned counsel for the petitioners as well as learned counsel for the State and learned counsel for the informant.

The petitioners apprehend their arrest in connection with Forbesganj P.S. Case No. 637 of 2019, registered under Sections 147, 148, 149, 341, 342, 323, 324, 326, 307, 364 and 379 of the Indian Penal Code.

The allegation against the petitioners as per the first information report, that the petitioners along with other accused persons assaulted with the traditional weapons i.e. lathi, Farsa etc. to the informant and his brother, father and his son. It has further been alleged that the brother of the informant Md.



Sanovar was also kidnapped by the petitioners and other accused persons.

Learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in this case, in as much as there is case and counter case between the parties and the side of the petitioners has lodged a criminal case bearing Forbesganj P.S. Case No. 646 of 2019 on the same date for the same occurrence which took place at the same time.

Learned counsel for the petitioners submits that according to the side of the petitioners there was a dispute between the parties relating to demand a sum of Rs. 1 lakh by the side of the petitioners from the side of prosecution, in as much as aforesaid sum was taken by the informant for the purpose of extension of service of the wife of Md. Shamim, petitioner no. 2. Learned counsel further submits that injuries caused to all four persons have been found simple in nature as it would be evident in Annexure-6 series. Learned counsel for the petitioners also submits that the brother of the informant Md. Sanovar was found missing and a missing person complaint was lodged in the year 2018 by the maternal uncle of the informant which would be evident from Annexures- 2 & 3.

On the other hand, learned counsel appearing for the



informant vehemently opposes the prayer for anticipatory bail and submits that all the accused persons surrounded the victims and assaulted with the traditional weapons and lethal weapons so they do not deserve the privilege of anticipatory bail.

After having heard learned counsel for the parties and taking into consideration the fact that there is a case and counter case between the parties and the injuries caused to the victims are simple in nature, accordingly, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- each with tow sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 637 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

Rajeev Kumar/-
Rahul

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