

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4742 of 2020

Arising Out of PS. Case No.-741 Year-2017 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. RASHID EKBAL @ RAASHID EKBAL Son of Syed Jamil Ahmad Resident of Mohalla - Mansa Tola, Bettiah, Police Station - Bettiah (Mufasil), District - West Champaran.
 2. Syed Sadique Emam @ Sunni Son of Syed Zafar Imam Resident of Mohalla - Mansa Tola, Bettiah, Police Station - Bettiah (Mufasil), District - West Champaran.
 3. Arshdul Islam @ Arshdul Islam Son of Late Mir Islam Resident of Mohalla - Mansa Tola, Bettiah, Police Station - Bettiah (Mufasil), District - West Champaran.
 4. Ahsraful Islam @ Ashrful Islam Son of Late Mir Islam Resident of Mohalla - Mansa Tola, Bettiah, Police Station - Bettiah (Mufasil), District - West Champaran.
 5. Shaif Ali Son of Syed Zafar Imam Resident of Mohalla - Mansa Tola, Bettiah, Police Station - Bettiah (Mufasil), District - West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Md. Tabrej Alam Son of Late Md. Reyaz Resident of Mohalla - Mansa Tola, Bettiah, Police Station - Bettiah (Mufasil), District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva
For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 29-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners



and Sri Kumar Birendra Narayan, the learned APP appearing for the State.

This is an application for grant of anticipatory bail in connection with Complaint Case No. 741-C/17 (Tr. No. 529 of 2018) registered for the offence punishable under Sections 420, 467, 471 and 120(B) of the Indian Penal Code.

The accused persons including the petitioners herein are alleged to have filed a false case against the complainant and are also alleged to have created false evidence for the purposes of harassing the complainant. It is further alleged in the complaint petition that the accused persons are also guilty of fabricating materials to falsely implicate the complainant in order to pressurize him.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case. It is further submitted that as far as the petitioners no. 3 to 5 are concerned, they are having a clean antecedent, however, the petitioners no. 1 and 2



have been made accused in other case by the same complainant. It is further submitted that the present prosecution has been launched at the behest of the complainant with a view to take revenge inasmuch as the complainant and his brother have been convicted in a case lodged earlier against the complainant herein. It is also submitted that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court vide orders dated 6.8.2019 and 18.11.2019 passed in Criminal Miscellaneous No. 48429 of 2019 and Criminal Miscellaneous No. 70990 of 2019 respectively.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the parity of the case of the petitioners with that of the co-accused persons, who have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.



Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champarn in connection with Complaint Case No. 741-C/17 (Tr. No. 529 of 2018), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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