

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6173 of 2020**

Arising Out of PS. Case No.-34 Year-2019 Thana- PUWAKHALI District- Kishanganj

1. FARUQUE ALAM @ FARQUE Son of Mahaboob Alam Resident of Village - Tatpowa, P.S.- Sukhani, Distt - Kishanganj.
2. Saddam @ Saddam Hussain Son of Karamtulla Resident of Village - Bhatta Chowk, Bandarjhula, P.S.- Jia Pokhar, Distt - Kishanganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP Incharge

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-07-2020 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP Incharge on behalf of the State.

Petitioners, in the present case, are the driver and owner of the vehicle in question seeking anticipatory bail in connection with Powakhali P.S. Case No. 34 of 2019 registered for the offences under Sections 341, 332, 353, 504, 506/34 of the Indian Penal Code.

It is alleged that the truck in question was overloaded for which they were caught and it was directed the truck be taken to the police station but on way they threatened the informant as also forcibly made him to get down from the truck but later on the truck was again intercepted but again the petitioners forced



the informant to get down from the truck and thereby they have indulged in creating obstacles on the way of the informant in carrying out his official duties.

Learned counsel for the petitioners submits that in fact on the same allegations two cases have been lodged and the entire motive behind lodgment of the present case is to squeeze illegal money from the petitioners. The petitioner no. 2 has already been granted privilege of anticipatory bail in another case being Powakhali P.S. Case No. 35/2019 in Cr. Misc. No. 64990/2019.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners but considering the nature of the accusation and the averment that the petitioner no. '2' has been granted anticipatory bail in Powakhali P.S. Case No. 35/2019 and for the same allegations two cases were registered on the same day, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Powakhali P.S. Case No. 34 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kishanganj, subject to the conditions as laid down under Section



438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

