

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24519 of 2020

Arising Out of PS. Case No.-303 Year-2018 Thana- PALASI District- Araria

1. MD. SHAMIM @ MD. SAMIM AKHTAR S/o Late Idrish Resident of Village-Harwa, P.S.-Palasi, District-Araria.
2. Md. Shamshul S/o Late Idrish Resident of Village-Suksena, P.S.-Palasi, District-Araria.
3. Md. Habib S/o Late Idrish Resident of Village-Mahdeva, P.S.-Jokihat, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-11-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Palasi P.S. Case No. 303 of 2018, registered for the offences punishable under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code.

Prosecution case in brief is that on 31.10.2018 at about 6.00 pm, petitioner no. 1 along with 6 to 7 persons came



at the door of informant with JCB machine and started demolishing his Tatti house and also started abusing him and his brother. Petitioner no. 1 is alleged to have assaulted with iron rod on the head of niece of informant namely, Rashida Khatoon causing injury to her. It is further alleged that on 02.11.2018 at 10.00 am, while the informant was going to Palasi on the way, these petitioners stopped his bicycle and started abusing and assaulting him. Petitioner no. 3 is alleged to have assaulted with iron rod on the head of informant and co-accused Bibi Rukhsana snatched Rs. 7,200/- from the pocket of informant.

It is submitted that petitioners have been falsely implicated in this case. FIR has been lodged after delay of four days for which there is no plausible explanation. There is general and omnibus allegation. Injuries sustained by the informant is simple in nature. No specific overt act has been alleged against petitioner no. 2. Petitioners have got clean antecedent as stated in para 3 of the petition.

Considering the facts aforesaid, Md. Shamshul petitioner no. 2, in the event of his arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Araria in connection with Palasi P.S. Case No. 303 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as, petitioner no. 1 and petitioner no. 3 are concerned, there is specific allegation against them of causing injury to the informant and his niece. Therefore, I am not inclined to enlarge the petitioner 1 and petitioner no. 3 above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

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