

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2498 of 2020

Arising Out of PS. Case No.-63 Year-2019 Thana- DIGHALBANK District- Kishanganj

1. Shahbaz Alam @ Tabbu Son of Latifur Rahman Resident of Village - Bahadurbasti, Tulsia Ward No. 02, P.S.- Dighalbank, Distt - Kishanganj.
2. Shahnawaz Alam @ Shanawaj Alam Son of Latifur Rahman Resident of Village - Bahadurbasti, Tulsia Ward No. 02, P.S.- Dighalbank, Distt - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

- 3 03-11-2021 The petitioners apprehend arrest in connection with Dighalbank P.S. Case No. 63 of 2019, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 354, 379, 504 and 506 of the Indian Penal Code.

As per prosecution case, on the date of occurrence, while son of informant was sitting in mobile shop of one Sarfaraz, the petitioners along with other accused persons came and pulled his hair. On protest, the accused persons started assaulting him. When informant came to rescue her son, she was also assaulted. It is alleged that petitioner no. 2 assaulted the nephew of the informant with axe causing injury on his leg.



Learned counsel for the petitioners vehemently contended that petitioner no. 1 has filed a counter complaint bearing Dighalbank P.S. Case No. 61 of 2019 against the informant and others. It is further contended that there is no allegation against petitioner no. 1.

The State has not assisted in the matter that what is the status of the case.

In the present case, by order dated 28.02.2020 petitioner no. 1 has been granted interim protection that no coercive steps shall be taken against him. In the light of interim order, the entire proceedings have been indirectly stalled.

Apex Court in the case of *Sushila Aggarwal & Ors. Vs. State (NCT of Delhi) & Anr.* reported in *(2020)5 SCC1* has taken note of various incidents in respect of the criminal proceeding. Further in the case of *Nathu Singh Vs. State of U.P.* reported in *(2021)6 SCC 64* has taken note of that under what circumstances anticipatory bail is to be granted.

The case on merit cannot be looked into at the stage of granting anticipatory bail.

In the light of the aforesaid decisions of the Hon'ble Apex Court and the fact that petitioners were alleged to have manhandled and woman was abused and assaulted, this Court is



not inclined to grant anticipatory bail to the petitioners
Accordingly, prayer for anticipatory bail of the petitioners is
rejected.

(P. B. Bajanthri, J)

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