

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12416 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- AMDABAD District- Katihar

1. MD. ISHRAIL S/O LATE ABDUR BASHIR R/o- Jhola, P.S.- Amdabad, Distt.- Katihar
2. Md. Tanveer Alam @ Tanbeer Alam @ Tabnir Alam S/o Md. Ishrail R/o- Jhola, P.S.- Amdabad, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Ram Anurag Singh, APP
For the Informant	:	Mr. Ajit Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioners, counsel for the informant and learned APP for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 379, 420, 504/34 of the IPC.

The prosecution case in short is that the informant is the secretary of Madarsa, for which he also donated the land. It has been alleged that in the year 2011 some persons stole the



original registration certificates of Madarsa and after sometime the informant came to know that the said original registration certificate is with the petitioner. It is alleged that on 30.09.2021 all the accused persons assaulted the informant and petitioner Tabvir snatched Rs.11,000/- from the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to enmity and grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The petitioners have neither stolen or found the certificates of the informant. The alleged occurrence took place on 30.09.2021 and the F.I.R. was lodged on 16.10.2021 i.e. after a delay of 16 days without giving any plausible reasons regarding the delay in lodging the F.I.R. which creates a serious doubt on the prosecution case. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a delay in lodging the F.I.R., let the above named



petitioners be released on bail, in the event of their arrest or
surrender before the learned court below within a period of six
weeks from today, on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand) **each** with two sureties of the
like amount each to the satisfaction of the learned court below
where the case is pending/Successor Court in Amdabad P.S.
Case No.218 of 2021, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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