

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18223 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- DHAKA District- East Champaran

1. SHAMIM AKHTAR SAGIR ALAM R/o village- Pipra Wajid, Ward No. 4, P.S.- Dhaka, District- East Champaran
2. SHAKIL AKHTAR A/o Sagir Alam R/o village- Pipra Wajid, Ward No. 4, P.S.- Dhaka, District- East Champaran

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners undertakes to remove the defects, as pointed out by the office, within four weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 337, 307, 504 & 506/34 of the Indian Penal Code.

All the F.I.R. named accused persons including these two petitioners, who are full brothers of the informant in



furtherance of the common intention holding weapons in their hands came and assaulted the informant, his wife, son and daughter.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioner and informant are full brothers. As a matter of fact, there was a dispute regarding the distribution of wealth, property where the informant was not obeying his duty towards the family so there was soft illusion between all the family members. The injury sustained by the victim is simple in nature, which is also supported by the impugned order. There is inordinate and abnormal delay of five days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, 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 lower Court where the case is pending/successor Court in connection with Dhaka P.S. Case No.329 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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