

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34743 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BARSOI District- Katihar

1. ASAMUL @ ASAMUL HAQ @ MD. ASAMUL HAQ S/o Late Kalimuddin R/o village- Kota, P.S.- Barsoi, Distt.- Katihar
2. MD. AFTAB @ MOHAMMAD AFTAB S/o Asamul @ Asamul Haq @ Md. Asamul Haq R/o village- Kota, P.S.- Barsoi, Distt.- Katihar
3. AZHAR @ MD. AJHARUDDIN S/o Md. Hasib R/o village- Jitwarpur, P.S.- Azamnagar, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Qumrul Hoda Mr. Vikram Deo Singh
For the Opposite Party/s	:	Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard the parties.

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 363, 365/34 of the Indian Penal Code.

Allegedly, the petitioner alongwith other accused persons forcibly caught the husband of the informant. It is further alleged that the informant came to know the name of accused



persons through reliable sources that her husband may be killed by the accused persons.

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. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no eye witness of alleged occurrence. The petitioners have been dragged in this case due to matrimonial dispute of informant's son. He further submits that no case is made out against the petitioners u/s 363, 365/34 of IPC, it would best come under section 348 of IPC, which is bailable. Petitioners have no criminal antecedent, as 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, 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 Barsoi P.S.
Case No.60 of 2022, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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