

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51785 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- PATAHI District- East Champaran

1. SEIKH SARFUDDIN @ SARFUDDIN S/o Sk. Raji Alam R/o village- Lahasaniya, P.S.- Patahi Panchpakuri, District- East Champaran at Motihari
2. SEIKH AMRUDDIN S/o Sk. Raji Alam R/o village- Lahasaniya, P.S.- Patahi Panchpakuri, District- East Champaran at Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-04-2022 It is submitted by learned counsel for the petitioner that during pendency of this application, petitioner no. 2 has been arrested and, as such, he seeks permission to withdraw this application against him.

In view of the aforesaid submission, this application is dismissed as withdrawn only against petitioner no. 2.

So far as petitioner no. 1 is concerned, the instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Patahi (Panchpakuri) P.S. Case no. 101 of 2021 instituted for the offence under Sections 147, 149, 341, 323, 307, 354(b), 379, 504 of the Indian Penal Code.



As per allegation in the FIR, when the family members of the informant went on their land to make a hut, several accused persons including the petitioner armed with lathi, danda and other weapons, assaulted to the mother of the informant. They also beaten up the sister and wife of the informant when they went there for rescue her informant's mother.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. There is case and counter case between the parties and petitioner has first lodged the case against he informant. Members of both parties have received injuries in alleged occurrence. Without any plausible reason, FIR has been lodged after a delay of three days of the occurrence, which doubts in authenticity of the occurrence. They have got no criminal antecedent. The matter relates to civil dispute.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 1 on bail. The petitioner no. 1 is directed to surrender in the Court below



within a period of four weeks from today and in the event of his arrest or surrender in connection with Patahi (Panchpakuri) P.S. Case no. 101 of 2021, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Sikrahna Dhaka subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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