

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60240 of 2021

Arising Out of PS. Case No.-180 Year-2021 Thana- RANIGANJ District- Araria

1. Afaque Alam Jahangir @ Lali @ Afaque Jahangir S/O Late Fakkar Ali R/O Village-Pachira Muslim Tola, Ward No.06, Pachera, P.S-Raniganj, District-Araria.
2. Md. Ibrahim S/O Late Fakkar Ali R/O Village-Pachira Muslim Tola, Ward No.06, Pachera, P.S-Raniganj, District-Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal- Sr. Advocate
		Mr. Vijay Anand- Advocate
For the Opposite Party/s :		Mr. Ramchandra Singh- A.P.P.
		Mr. Shekhar Kumar Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2022 Heard learned senior counsel for the petitioners,

learned counsel for the informant and the learned APP for the

State.

The petitioners seek bail in anticipation of their arrest

in a case registered for the offences punishable under Sections

147, 148, 149, 447, 448, 341, 323, 324, 326, 427, 354(B), 379/

504 of the Indian Penal Code.

The learned senior counsel for the petitioners submits

that the petitioners are persons with clean antecedent and the

informant alleges that on 24.06.2021, Sonu Yadav damaged the

foundry items by a loaded tractor and when the informant



opposed, the petitioners and other co-accused variously armed began to abuse and assault. It is next alleged that when son of the informant came at the place of occurrence, on orders of petitioner no.1, co-accused assaulted them. It is next alleged that Md. Shahrukh assaulted Mahtab Alam with farsa on his temple causing injury and Md. Ishteyak assaulted Intekhab Alam with sword on his head and Tahmina Khatoon was also assaulted by the accused persons. It is next alleged that all the accused took away documents from the box and accused Afaque Alam, Jahangir @ Lali and Md. Ibrahim. It is further alleged that the petitioners also took away Rs. One lac.

The learned senior counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. From bare perusal of the allegation as alleged in the F.I.R., it would manifest that no motive for the occurrence has been alleged. It is next submitted that it is very easy to implicate a person alleging that his an order giver and on order, the occurrence was committed, but when the same order giver give order to the accused to assault himself or shoot himself then whether the accused will perform as per the orders of the order giver. It is next submitted that petitioner no.1 is aged about 52 years and petitioner no.2 is aged about 75 years and they were



persons with clean antecedent prior to institution of the present F.I.R. and all of a sudden, they have become a criminal.

The learned counsel for the informant as well as learned Additional Public Prosecutor opposes the anticipatory bail application, but are not able to meet the submission of the learned senior counsel that whether on orders of order giver accused would have assaulted themselves or not.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Raniganj P. S. Case No.180 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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