

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69831 of 2021**

Arising Out of PS. Case No.-282 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

Shabir Hussain @ Shabir Ali, S/O- Ali Hussain Resident Of Village - Orma,
P.S. - Siwan (M), District - Siwan.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Arbind Kumar Singh
For the Opposite Party/s :	Mr. Amitesh Kumar
	Mr. Chandra Kant

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 341,
323, 387, 379, 427, 504, 506 and 120(B)/ 34 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner has antecedent of 11 cases, out of which, three have
been instituted by the present informant and his staffs. It is next
submitted that the allegation as per F.I.R. is that accused persons
including the petitioner came on a Bolero and started abusing
the informant and his staffs and snatched his gold chain and this
petitioner is alleged to have broken the lock of the godown of



the informant and thereafter, all the accused persons fled away threatening that if he intends to stay in his godown, then he will have to pay extortion as extortion of Rs.25 Lacs demanded earlier, till date has not been paid.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the allegation against him is of breaking the lock of the godown, but then the F.I.R. does not even remotely suggest that good or article was looted from the godown. The learned counsel next submits that similarly situated co-accused Zakir Hussain @ Zakir Ali and Aabid Hussain and Aabid Ali have been granted anticipatory bail by order dated 16.11.2021 in Cr. Misc. No.2278 of 2021.

The learned counsel for the informant as well as learned Additional Public Prosecutor opposes the anticipatory bail application. The learned counsel for the informant submits that petitioner has antecedent of 11 cases, but is not in a position to rebut the submission of the learned counsel for the petitioner that in the present case, the allegation is only of breaking lock that too, in presence of the informant without committing any kind of loot and also the fact that similarly situated co-accused have been granted anticipatory bail.



Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Siwan (M) Mahadeva (O.P.) P. S. Case No.282 of 2020, 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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