

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7377 of 2023

Arising Out of PS. Case No.-519 Year-2017 Thana- FORBESGANJ District- Araria

MD. ANWAR @ TARIQUE ANWAR S/O YASEEN @ YASEEN ANSARI
R/v- Rampur Dakshin Ward No. 10, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioner and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Forbesganj PS case no. 519 of 2017, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having assaulted the informant and his family members after a dispute had arisen on account of draining of dirty water in the backward of the house of the informant.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case. The learned counsel for the petitioner has further



submitted that the petitioner is accused in two other cases but he is on bail in both the cases. It is next submitted by referring to the injury report, annexed as Annexure 2 to the present petition that the injuries sustained by the informant and the nephew of the informant have been found to be simple in nature. It is also submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 07.11.2017, passed in Cr. Misc. no. 51856 of 2017. Lastly, it is submitted that the delay in approaching the learned High Court for grant of anticipatory bail has occurred, inasmuch as in the F.I.R., the name of the accused had been mentioned as Md. Anwar whereas the name of the petitioner is Md. Tarique Anwar and the said fact was clarified after a great delay by the supervising authority in his supervision note.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted the privilege of anticipatory bail apart from the fact that



the injury sustained by the injured persons have been found to be simple in nature, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Forbesganj PS case no. 519 of 2017, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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