

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10250 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- ABADPUR District- Katihar

1. Habibur Rahman @ Md. Hawi Son Of Late Pasiruddin R/V- Chandpara, P.S- Abadpur, Dist- Katihar
2. Md. Sadeque @ Sadeque Ali @ Sadeque Son Of Late Pasiruddin R/V- Chandpara, P.S- Abadpur, Dist- Katihar
3. Md. Murshed Ali @ Mursud Aali Son Of Habibur Rahman @ Md. Hawi R/V- Chandpara, P.S- Abadpur, Dist- Katihar
4. Shamsud Ali @ Samsud Ali Son Of Habibur Rahman @ Md. Hawi R/V- Chandpara, P.S- Abadpur, Dist- Katihar
5. Samo Khatoon Wife Of Md. Sadeque @ Sadeque Ali @ Sadeque R/V- Chandpara, P.S- - Abadpur, Dist- Katihar
6. Md. Tanjarul @ Md. Tanarul Son Of Md. Sadeque @ Sadeque Ali @ Sadeque R/V- Chandpara, P.S- - Abadpur, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 Learned counsel for the petitioners submits that the petitioner no. 1 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 1.

Permission is granted.

Accordingly, this application with regard to petitioner no. 1 is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State for consideration of



bail with regard to rest of the petitioners.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code.

As per FIR, all the accused persons including these petitioners variously armed arrived on the place of occurrence and assaulted the informant with their respective arms and took Rs. 20,000/- from his possession.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute. He submits that there is case and counter case between the parties and both sides have sustained injury. He submits that the injury found upon the victim is simple in nature. He submits that there is no specific overt act against the petitioner nos. 5 and 6. He submits that there was no intention of the petitioners to kill the informant and other and as per injury report the injuries sustained by injured are simple in nature. He further submits that petitioner nos. 2, 4 and 5 have two criminal antecedent and petitioner nos. 3 and 6 have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.



Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail 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 connection with Abadpur P.S. Case No. 131 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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