

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18026 of 2023**

Arising Out of PS. Case No.-201 Year-2022 Thana- BAHERA District- Darbhanga

MD. ISTIYAQUE @ MD. ISTIYAKH S/O MD. MUSHTAQUE @  
MOHAMMAD MUSHTAQUE Resident of Village- Badarbanna, P.S.-  
Bahera District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      25-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner apprehends his arrest in connection with Bahera P.S. Case No. 201 of 2022 for the offence registered under sections 147, 323, 341, 307, 354B, 427 and 504 of the Indian Penal Code lodged on 20.05.2022 by the informant Md. Sazzad.

The prosecution story, in brief, is that the informant alleged that on 20.5.2022 at about 12 o'clock his neighbor Md Istiyakh for measurement of his land had kept an Amin. Amin during measurement nailed spike in courtyard of informant. When informant raised protest, 11 persons including petitioner came armed with 'sword', 'lathi' and 'danda' in the courtyard



of informant and on the order of Md Samim to kill informant, petitioner drove 'sword' and assaulted on the head of the informant.

Thereafter, all the accused began to beat uncle of the informant. When mother and cousin sister of informant came to save Md Asfaque Alam, all the accuseds assault them. Md Sakil outrage the modesty. Md Bablu set fire to thatched kitchen of younger uncle of informant and all accused damaged the iron gate and 2 motorcycles of the informant. It is further alleged that his mother, uncle and cousin sister got treatment at PHC, Bahera. Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioner that there is case and counter case and the allegation is of assaulting Jannat Khatoon, Chandani and Md. Sazzad. He do not have criminal antecedent. The injuries have been found to be simple in nature.

Further the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 5,000/- X 3 = Rs. 15,000/- through Demand Draft issued by the local State Bank of India branch to



be submitted before the 'NAZARAT' of concerned Court to be handed over to the injured after checking the credentials.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail but accepts that the injuries have been found to be simple in nature.

Taking into account the aforesaid facts as narrated by the learned Counsel for the petitioner and couple with the fact that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 15,000/- as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Benipur, Darbhanga in connection with Bahera P.S. Case No. 201 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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