

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28706 of 2023**

Arising Out of PS. Case No.-51 Year-2022 Thana- ALINAGAR District- Darbhanga

Md. Abdur Rahim @ Abdul Rahim Son Of Late Md. Rafiquk @ Md. Rafique  
@ Rafique Resident Of Village- Imamganj, Ps- Alinagar, Distt- Darbhanga  
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Deepak Kumar, Adv.  
For the State : Mr. Md. Fahimuddin, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      08-06-2023                      Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Alinagar P.S. Case No. 51 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 337, 338, 324, 325, 307, 427, 447, 379, 188 and 504 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel submits that the informant in his fardbeyan alleged that while he was indulged in land filling work, the accused persons named in the FIR came and assaulted the informant by Garasa and Lathi causing injury in his head. It is alleged that the accused persons also assaulted the informant's nephew.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case and he is not named in the FIR though the FIR has been lodged by the injured person. The petitioner has also lodged a counter case as contained in Annexure '3' of this application.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the submissions that the petitioner is not named in the FIR though the FIR has been lodged by injured person, this petitioner has lodged a counter case (as contained in Annexure '3'), he has otherwise no criminal antecedent and in the circumstances, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Benipur, Darbhanga in connection with Alinagar P.S. Case No. 51 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajeev Ranjan Prasad, J)**

Avin  
annu/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

