

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24337 of 2023

Arising Out of PS. Case No.-106 Year-2018 Thana- NAANPUR District- Sitamarhi

1. Md. Motiur Rahman Son Of Md. Sadhik Resident Of Village - Bath Asli, P.S.- Nanpur, District - Sitamarhi.
2. Md. Shan Babu @ Md. Ashan @ Md. Ahsan Babu @ Md. Ahsan Son Of Md. Motiur Rahman Resident Of Village - Bath Asli, P.S.- Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2023 Learned counsel for the petitioners does not want to press this application with regard to petitioner no. 2.

Accordingly, this application with regard to petitioner no. 2 is dismissed as not pressed.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State for consideration of bail with regard to petitioner no. 1.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 354A, 354B, 504, 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case due to land dispute. He submits that there is no specific overt act against the petitioner. He submits that occurrence took place on 08.04.2018 but the FIR has been lodged on 13.04.2018 after delay of 5 days without explaining any reasonable cause of delay. He further submits that petitioner has 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 and the fact that there is no specific overt act against the petitioner, let the above named petitioner no. 1 in the event of his 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) 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 Nanpur P.S. Case No. 106 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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