

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30059 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- ABADPUR District- Katihar

1. ABDUL HUSAN Son of Late Khan Mohammad Resident of village - Sankola, P.S. - Abadpur, Distt. - Katihar
2. Abdul Sattar Son of Late Khan Mohammad Resident of village - Sankola, P.S. - Abadpur, Distt. - Katihar
3. Abdul Gaffar Son of Late Khan Mohammad Resident of village - Sankola, P.S. - Abadpur, Distt. - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Abadpur P.S. Case No.87 of 2022 registered for the offence punishable under Sections 147, 148, 323, 354B, 380, 384, 307, 447, 448, 427 and 34 of the Indian Penal Code.

3. As per allegation, the co-accused *Rijabul*, was demanding 5 lakh rupees ransom, for allowing the informant to carry on measurement of his lands. The allegation is that as a sequel to this demand of ransom, on the fateful day, accused persons have entered into the house of the informant and



assaulted him.

4. The learned counsel for the petitioners submits that specific allegation of demand of ransom and assault is against co -accused *Rijabul*. Against the petitioner nos. 2 and 3, there is no specific allegation, other than the fact that they are stated to be part of the unlawful assembly. Insofar as petitioner no. 1 is concerned, there is no allegation of assault. However, the complainant has alleged that he has groped sister-in-law of the informant from behind. The submission is that the allegations have been levelled by way of a complaint on 03-07-2022, whereas the occurrence is of 31 -12 -2021, which is clear indication of the falsity of the allegations, and the same is based on afterthought. The petitioner nos. 2 and 3 have no antecedent, whereas petitioner no. 1 has one antecedent of 2019 for some trivial offences.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the nature of allegations and the submissions, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below



within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, in connection with Abadpur P.S. Case No.87 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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