

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28196 of 2023

Arising Out of PS. Case No.-276 Year-2022 Thana- KADWA District- Katihar

1. Banu Khatoon Wife Of Md. Anwarul R/O Village- Parbheli, P.S.- Kadwa, District- Katihar
2. Md. Anwarul @ Anwarul Son Of Late Moidul R/O Village- Parbheli, P.S.- Kadwa, District- Katihar
3. Gaffar @ Abdul Gaffar Son Of Late Moidul R/O Village- Parbheli, P.S.- Kadwa, District- Katihar
4. Rajjaque Son Of Late Moidul R/O Village- Parbheli, P.S.- Kadwa, District- Katihar
5. Tamrej @ Sekh Tamrej Son Of Sk. Sikandar R/O Village- Parbheli, P.S.- Kadwa, District- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Jibendra Mishra, Advocate
For the State	:	Mr.Madhuri Lata, APP
For the Informant	:	Mr. Md. Musowir, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. At the outset, learned counsel for the petitioners submits that petitioner no. 5 namely, Tamrej @ Sekh Tamrej has already been arrested. Hence, this application on his behalf has become infructuous and is not pressed.

3. The petitioners in the present case are seeking pre-arrest bail in connection with Kadwa P.S. Case No.- 276 of 2022 registered for the offences punishable under Sections 341, 323, 307, 379, 354, 506/34 of the Indian Penal Code and under Section 27 of the Arms Act. They have got no criminal antecedent.



4. Learned counsel for the petitioners submits that on 17.09.2022 the FIR named accused persons assaulted the informant and his family members and took away Rs. 20,000/- from the house of the informant. It is alleged that during the incident, petitioner no. 4 assaulted the brother of the informant with an iron rod and petitioner no. 3 assaulted Abid with a dabiya with an intention to kill him. Petitioner no. 2 assaulted the informant with a sword which resulted in an injury on his head.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the injuries caused to the informant's side are said to be simple in nature.

6. Learned counsel for the informant as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the facts and circumstances of the case, there being an admitted land dispute between the parties and both the parties have indulged in the alleged occurrence, there is a case and counter case and both the parties have suffered injuries allegedly in the said land dispute but the injuries caused to the informant's side are said to be simple in nature which has not been controverted by the learned counsel for the informant, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioner nos. 1 to 4 shall be released on bail



in connection with Kadwa P.S. Case No.- 276 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and that petitioner nos. 1 to 4 shall appear before the Investigating Officer of the case, join the investigation and cooperate in course of investigation.

8. And further condition that the court below shall verify the criminal antecedents of petitioner nos. 1 to 4 and in case, at any stage, it is found that petitioner nos. 1 to 4 have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of petitioner nos. 1 to 4. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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