

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30725 of 2023

Arising Out of PS. Case No.-621 Year-2020 Thana- ARARIA District- Araria

1. FIROZ SON OF KHADIM MANSURI R/O-CHANDARDAI, P.S.-ARARIA (R.S.), DISTT.-ARARIA
2. AZHAR SON OF KHADIM MANSURI R/O-CHANDARDAI, P.S.-ARARIA (R.S.), DISTT.-ARARIA
3. AFROZ SON OF KHADIM MANSURI R/O-CHANDARDAI, P.S.-ARARIA (R.S.), DISTT.-ARARIA
4. SADDAM SON OF KHADIM MANSURI R/O-CHANDARDAI, P.S.-ARARIA (R.S.), DISTT.-ARARIA
5. ARMAN SON OF AFROZ R/O-CHANDARDAI, P.S.-ARARIA (R.S.), DISTT.-ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anamul Haque, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

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

This is an application for grant of
anticipatory bail in connection with Araria (R.S.) P.S.
Case No.621 of 2020, registered for offences under
Sections 341, 323, 324, 379, 354, 307, 504, 506 and
34 of the Indian Penal Code.

The case of the prosecution in brief, is that,
the informant is running a shop of Jan Vitran Pranali
and on 03.08.2020, at about 4:30 p.m., when the
informant was sitting at his shop, the accused persons



including the petitioners herein, had arrived at his shop and not only assaulted him and his family members, but had also forcibly picked up one sack of rice and taken it away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the present case arises out of case and counter case, and in fact the case filed by the petitioner no.2, is first in time, inasmuch as the same bears Araria (R.S.) P.S. Case No.619 of 2020, whereas the present case bears Araria (R.S.) P.S. Case No.621 of 2020.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the present case arises out of case and counter case, the case filed by the petitioner no.2, being first in time, apart from the fact that the petitioners are having a clean antecedent, I deem it fit



and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Araria (R.S.) P.S. Case No.621 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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