

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31779 of 2023

Arising Out of PS. Case No.-287 Year-2022 Thana- DALSINGHSARAI District- Samastipur

1. Atikur Rahman @ Atikur Rahman Ansari Son of Md. Mustafa @ Md. Mutaafa Resident of village - Kharaj Hakimabad, ward no. 3, P.S. - Samastipur, Distt. - Samastipur
2. Md. Imtekhar @ Istakhar Son of Md. Shafi Nadak Resident of village - Kharaj Hakimabad, ward no. 3, P.S. - Samastipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioners and the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 342, 306, 504, 120B of the Indian Penal Code.

3. As per the prosecution case, these petitioners along with co-accused persons under a conspiracy brought the brother of informant at Dalsingsarai and handed over to the member of his in-laws and other co-accused persons brutally assaulted the brother of informant, thereafter he was treated at Dalsingsarai hospital and a panchayati was convened at police station, but other side did not turn up, then for safety point of view informant's brother was kept in police custody, but he



committed suicide in the police station in the night due to assault committed by in-laws of his brother.

4. It is submitted that from bare perusal of FIR it is apparent that the deceased committed suicide in the premises of police station and as such there was no role of petitioners in death of the brother of informant. It is a case of custodial death, but in order to cover up the case, this false case was instituted. Similarly situated co-accused Md. Ibran has been granted anticipatory bail by a coordinate Bench of this court vide order dated 31.07.2023 passed in Cr. Misc. No. 32956 of 2023.

5. Considering the facts aforesaid, the petitioners above-named, in the event of their arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 Additional Chief Judicial Magistrate Ist, Dalsingsarai, Samastipur in connection with Dalsingsarai P.S. Case No. 287 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

vinita/-

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