

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34911 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- BARSOI District- Katihar

-
1. MD HABIB Son of Md. Hussain Resident of Balupara, Police Station- Barsoi, District- Katihar
 2. Md. Rashid @ Rashid Son of Md. Israel Resident of Balupara, Police Station- Barsoi, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Barsoi PS Case No. 343 of 2022, registered for the offence punishable under Sections 341,323, 354, 379, 324,307, 504 and 506/34 of the Indian Penal Code.

3. Objecting to the informant's sowing of seeds in the field, the accused persons have allegedly assaulted her indiscriminately.

4. Learned counsel for the petitioners submits that the injury, which is manifests from the injury report, is on the head of the informant, which is attributed to one of the co-accused,



namely, Md. Hussain. Against the petitioner, there is an allegation of catching hold of the informant by her hair and throwing her on the floor. The allegation, as obvious from the FIR, is based on asserting of claim over the farm land. The same has been lodged on extraneous consideration, which is obvious from the fact that the FIR has been lodged on 07-12-2022, whereas the occurrence is said to have taken place on 02.12.2022. Petitioner has no antecedents.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegation and clean antecedent this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail is allowed.

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 ACJM 1st Katihar, in connection with Barsoi PS Case No. 343 of 2022, subject to the conditions as laid down in



Section 438(2) of the Code of Criminal Procedure with
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)

shyambihari/-

U		T	
---	--	---	--

