

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35276 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- KAMTAUL District- Darbhanga

1. MEER MD. IZHARUL S/O LATE MEER AZIZUL R/O Village/Mohalla- Bahuara, P.S- Kamtaul, Distt.- Darbhanga.
2. Md Mehboob S/O Meer Md. Izharul R/O Village/Mohalla- Bahuara, P.S- Kamtaul, Distt.- Darbhanga.
3. Md Maqbool S/O Meer Md. Izharul R/O Village/Mohalla- Bahuara, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Zarina Khjatoon W/O Gulab Nadaf R/O Village- Bahuara, P.S- Kamtaul, Distt.- Darbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioners apprehend their arrest in connection with Kamtaul PS Case No. 288 of 2022 dated 23.11.2022 registered under Sections 341 / 323 / 427 / 354 / 353 / 379 / 504 / 506 / 34 of the IPC.

As per the prosecution case, the informant, who is Mukhiya of Hariharpur Paschimi Gram Panchayat has alleged that on 21.11.2022 she was organizing a meeting in the Panchayat Bhawan, in the meanwhile, the petitioners entered into the Committee Hall, abused her and pushed her due to



which she fell on the ground. It has further been alleged that accused persons took the register of Gram Sabha and torn the same, snatched her *Dupatta* and took away gold chain and purse containing cash of Rs. 8200/-.

Learned counsel for the petitioners submits that the petitioner no. 1 is a member of the Panchayat Samiti and petitioner nos. 2 and 3 are his sons. The petitioners have falsely been implicated in this case due to political reason and due to the fact that a complaint was lodged by the villagers and Up-Mukhiya against the informant regarding misappropriation of fund of the Panchayat in execution of development schemes. He further submits that the petitioner no. 1 being the member of the Panchayat Samiti was also raising objection against manner of functioning of the informant. He next submits that during course of investigation Police had given advantage of Section 41(A) Cr.P.C. to the petitioners and the petitioners co-operated in the investigation. After investigation Police has submitted charge-sheet and summons have been issued. Therefore, the petitioners have got reasonable apprehension that they may be taken into custody.

Regard being had to the submission made by the parties, taking into consideration the fact that during the course



of investigation Police had given advantage of Section 41A Cr.P.C. to the petitioners, petitioners co-operated the Police in the investigation and now charge- sheet has been submitted and there is no possibility that petitioners will abscond or tamper with the evidence, as such, I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 288 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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