

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38177 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- AMDABAD District- Katihar

1. ABDUL ALIM Son of Afsar Ali Resident of village - Bharnandi, P.S. - Amdabad, Distt . - Katihar
2. Aabu Tahir Son of Wajed Ali Resident of village - Bharnandi, P.S. - Amdabad, Distt . - Katihar
3. Dr. Jahangir Alam Son of Murtuja Resident of village - Bharnandi, P.S. - Amdabad, Distt . - Katihar
4. Abu Talif Son of Afsar Ali Resident of village - Bharnandi, P.S. - Amdabad, Distt . - Katihar
5. Sahbaj Alam @ Md.Sahbaj Son of Md. Khalil Resident of village - Bharnandi, P.S. - Amdabad, Distt . - Katihar
6. Kalu Son of Abu Tahir Resident of village - Bharnandi, P.S. - Amdabad, Distt . - Katihar
7. Md. Faruk @ Umar Faruk Son of Tanjamul Haq Resident of village - Bharnandi, P.S. - Amdabad, Distt . - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 28-07-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Amdabad PS case no. 30 of 2023, registered for the offences punishable under Section 354(B) and other allied sections of the Indian Penal Code.
3. The allegation is regarding the accused persons



including the petitioners herein having assaulted the husband of the informant on the alleged date and time of occurrence as also having tried to outrage the modesty of the informant.

4. The learned counsel for the petitioners submits 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 informant and her husband have not received any serious injuries and this is the reason regarding there being no injury report on the records of the case.

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

6. 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 it is the specific averment of the learned counsel for the petitioners that no injury report is available on the records of the case, so as to suggest that either the informant or her husband have sustained any injury, apart from the fact that the petitioners are having a clean antecedent, though I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail, however, subject



to verification of the fact regarding non-availability of injury reports of the informant and her husband, by the learned Trial Court.

7. Accordingly, the abovenamed petitioners, in the event of their arrest or 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 released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Katihar in connection with Amdabad PS case no. 30 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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