

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38168 of 2023

Arising Out of PS. Case No.-631 Year-2022 Thana- JOKIHAT District- Araria

1. MD NAIYER ALAM SON OF MD. HASIM RESIDENT OF VILLAGE - CHAKAI, P.S. - JOKIHAT, DISTRICT - ARARIA
2. MD. RAHWAR ALAM @ MD. RAHBAR ALAM SON OF MD. HASIM RESIDENT OF VILLAGE - CHAKAI, P.S. - JOKIHAT, DISTRICT - ARARIA
3. MD. NASAR ALAM @ ABU NASAR SON OF MD. HASIM RESIDENT OF VILLAGE - CHAKAI, P.S. - JOKIHAT, DISTRICT - ARARIA
4. MD. NAWAZ ALAM @ ABU NAWAZ SON OF MD. HASIM RESIDENT OF VILLAGE - CHAKAI, P.S. - JOKIHAT, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad, APP
For the informant	:	Mr. Anil Pd. Singh, Advocate
	:	Mr. Pankaj Kr. Jha, Advocate

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 as also the learned counsel for the informant.
2. At the outset, the learned counsel for the petitioners seeks to make certain corrections in paragraph no. 3 of the present petition. Let the same be done during the course of the day.
3. This is an application for grant of anticipatory bail in connection with Jokihat PS case no. 631 of 2022,



registered for the offences punishable under Sections 392, 386 and other allied sections of the Indian Penal Code.

4. The case of the prosecution in brief is that on the alleged date and time of occurrence, while the elder brother of the informant was barricading his land, all the accused persons including the petitioners herein had arrived there, whereafter, they had assaulted the informant and one another person namely Md. Sajid Alam, resulting in them sustaining injuries.

5. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the petitioner no. 2 is concerned, he is accused in one another case, however, rest of the petitioners are having a clean antecedent. It is also submitted, by referring to Annexures 2 and 3 to the present petition, which are the injury reports of the injured persons, that the injuries sustained by the injured persons namely Md. Sajid Alam and Md. Sabir Alam have been found to be simple in nature.

6. *Per contra*, the learned APP for the State and the learned counsel for the informant have vehemently opposed



the prayer for bail and have submitted that the petitioners are accused in some other cases and this fact has been suppressed from this Court, hence, the trial court be directed to verify the criminal antecedent of the petitioners.

7. 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 injuries sustained by the injured persons, attributable to the petitioners herein, have been found to be simple in nature, though I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail, however, subject to verification of their criminal antecedent by the learned Trial Court.

8. 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 Chief Judicial Magistrate, Araria in connection with Jokihat PS case no. 631 of 2022,



subject to the conditions as laid down under Section 438(2) of
Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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