

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40574 of 2023

Arising Out of PS. Case No.-120 Year-2021 Thana- MANJHAGARH District- Gopalganj

1. SHAMI AKHTAR son of Mohammad Salim @ Mohommad Salim Gaddi @ Md. Salim Village- Manjha Gaddi Tola Ps- Manjhagarh Dist- Gopalganj
2. SAMIULLAH @ TUDDU @ SHAMIULLAH son of Mohammad Salim @ Mohammad Salim Gaddi @ Md. Salim Village- Manjha Gaddi Tola Ps- Manjhagarh Dist- Gopalganj
3. NADEEM AKHTAR S/o- BABUJAN AHMAD Village- Manjha Gaddi Tola Ps- Manjhagarh Dist- Gopalganj
4. MOHAMMAD SULEMAN S/o- BABUJAN AHMAD Village- Manjha Gaddi Tola Ps- Manjhagarh Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam
For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 354, 325, 307, 379, 504, 506 of the Indian Penal Code.

3. The informant alleges that seven named accused persons including the petitioners came variously armed and on the pretext that the informant practices witchcraft started stripping her, it is further alleged that when son of the informant objected, the accused persons assaulted him with lathi, hockey,



legs and fist and he became unconscious and thereafter, stripped the informant and dragged her. It is next alleged that petitioner No. 3 assaulted her with sword causing injury on head and looted household articles worth Rs. 1,30,000/-.

4. Learned counsel for the petitioners submits that petitioner No. 1, 3 and 4 have antecedent of one case and petitioner No. 2 has antecedent of two cases.

5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that the date of occurrence is 19.04.2021 and the FIR came to be instituted on 26.04.2021 i.e., after a delay of more than seven days which casts an aspersion on the case of the prosecution, it is next submitted that even the injuries suffered by the injured is simple in nature.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned trial court where
the case is pending/successor court in connection with
Manjhagarh P.S. Case No. 120 of 2021 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

HarshPandey/-

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