

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40347 of 2023

Arising Out of PS. Case No.-169 Year-2023 Thana- RAXAUL District- East Champaran

1. Salim Sheikh Son Of Akbar Sheikh Resident Of Village- Pantoka, Ps- Raxaul (O.P. Haraiya), Dist- East Champaran
2. Shamsheer Mian Son Of Akbar Miya Resident Of Village- Pantoka, Ps- Raxaul (O.P. Haraiya), Dist- East Champaran
3. Rukhasana Khatoon Daughter Of Kesh Miya Resident Of Village- Pantoka, Ps- Raxaul (O.P. Haraiya), Dist- East Champaran
4. Suraj Kumar Saha Son Of Amiri Saha Resident Of Village- Pantoka, Ps- Raxaul (O.P. Haraiya), Dist- East Champaran
5. Sundan Kumar Son Of Punit Ram Resident Of Village- Pantoka, Ps- Raxaul (O.P. Haraiya), Dist- East Champaran
6. Umar Farukh Khan Son Of Niyamat Miya Resident Of Village- Pantoka, Ps- Raxaul (O.P. Haraiya), Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-08-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application with respect to petitioner nos. 1 and 2. Petitioner no. 1 has already been arrested during pendency of this case.

2. Permission is granted. The anticipatory bail application with respect to petitioner nos. 1 and 2 is dismissed as withdrawn having become infructuous.

3. Heard learned counsel for the petitioners and the



State.

4. The petitioner nos. 3, 4, 5 and 6 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 323, 353, 354 of the Indian Penal Code.

5. It is alleged that during patrolling duty, 25 to 30 persons were trying to bring about 20 big bags, containing clothes and other articles from India to Nepal for smuggling purpose. When the informant and other police officials tried to inquire from them, the accused persons started assaulting female SSB personnel and tried to snatch firearms and also created hindrance in discharge of their official duty.

6. It is submitted that specific accusation of assault is against co-accused Salim Sheikh and Shamsher Mian. There is general and omnibus allegation against these petitioners. Injury report does not support the prosecution case. Petitioners claim clean antecedents.

7. Considering the facts aforesaid, the petitioner nos. 3, 4, 5 and 6 above-named, in the event of their arrest/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 enlarged 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 Chief Judicial Magistrate, Motihari,
East Champaran in connection with Raxaul (Haraiya) P.S. Case
No. 169 of 2023, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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