

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41145 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- AMDABAD District- Katihar

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1. Ajay Kumar Sah Son of Ram Bachan Sah, Resident of village-Roshna Bazar, P.S.-Pranpur, District-Katihar
 2. Krishna Kumar @ Nirmal Sah Son of Ram Bachan Sah @ Surendra Sah, Resident of village-Roshna Bazar, P.S.-Pranpur, District-Katihar

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate

For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Amdabad P.S Case No. 23 of 2023 registered for the offences punishable under Sections 341, 323, 406, 420, 467, 468, 34 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, the informant purchased a tractor in the year 2011 and later on, sold the same to Md. Mubarak Hussain on 19.08.2019 for Rs. 3 lakhs with condition to deposit the amount to finance company till October, 2019. Later on, the informant came to know that the installment was not paid and the said tractor was at brick bhatta of Ajay



Kumar Sah, petitioner no. 1. On 30.01.2023, when the informant reached there and asked about his tractor, Ajay Kumar Sah (petitioner no. 1) ordered Nirmal Sah (petitioner no. 2) to assault him on which he caught hold of him and assaulted the informant with fists and slaps.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no serious injury to the informant.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submissions that the informant and petitioner no. 1 had developed a dispute over the tractor in question for which the alleged occurrence is said to have taken place, no serious injury has been caused to the informant, the petitioners have otherwise no criminal antecedent and in the nature of the allegations and the materials on the record, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Amdabad P.S. Case No.- 23 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each



to the satisfaction of learned J.M. 1st Class Katihar, District-Katihar., subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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