

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45656 of 2023

Arising Out of PS. Case No.-28 Year-2021 Thana- HASANGANJ District- Katihar

1. MD. BABLU SON OF SK. AKBAR RESIDENT OF VILLAGE-KHANWA, PS- HASANGANJ, DISTRICT- KATIHAR
2. SK. AKBAR @ Md. Akbar SON OF LATE SK. BUDDHU RESIDENT OF VILLAGE- KHANWA, PS- HASANGANJ, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Adv.

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-09-2023 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 Hasanganj P.S. Case No. 28 of 2021, registered for the offence punishable under Sections 341, 323, 307, 379, 504, 506, 34 of the Indian Penal Code.

3. It is alleged that seven FIR named accused persons including the petitioners herein had arrived over the land of the informant in question on 20.4.2021 and had tried to forcibly plough the said field in question and when the same was objected to, the accused persons had assaulted the informant as well as his other family members.



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 police, upon investigation, has found the case to be not true qua the petitioners herein and to the said extent, a final form dated 31.7.2022 has been submitted before the learned Trial Court. It is further submitted that similarly situated co-accused person has already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, vide order dated 22.7.2022, passed in Criminal Miscellaneous No. 14061 of 2022.

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 petitioners, taking into account the materials available on record as also considering the fact that not only the incident in question qua the petitioners herein has been found to be not true by the police, upon investigation, but similarly situated co-accused person has already been granted the privilege of anticipatory bail, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.



7. Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-5th, Katihar, in connection with Hasanganj P.S. Case No. 28 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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