

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41102 of 2023

Arising Out of PS. Case No.-280 Year-2022 Thana- BAHERA District- Darbhanga

Md. Kalam son of Md. Latif Village- Badarbanna Ps- Bahera Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Bahera P.S. Case No. 280 of 2022, registered on 27.06.2022 for the offences under Sections 147, 148, 341, 323, 325, 308, 379, 448, 427 and 506 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons entered into the house of the informant and they assaulted the informant and her family members causing injuries to them and while leaving they took away a number of household articles from the house of the informant. The occurrence took place in the background of some earlier enmity.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. There is no specific allegation against this petitioner. All the offences are bailable offences except Sections 308 and 379 of IPC, but these offences are not attracted against this petitioner. Learned counsel further submits that the informant has tried to rope in as many persons as possible from the petitioner's side. Learned counsel further submits that from the rejection application it appears that simple injuries on non-vital parts have been found on the body of the victims. Earlier enmity is admitted and the present case is lodged only on false implication.

5. Learned APP opposes the prayer for anticipatory bail submitting that the petitioner is named in the FIR and he was a member of mob which indulged in assault and arson.

6. Having regard to the submission made on behalf of the parties and considering the facts and circumstances of the case and further considering simple nature of injuries and the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist,



Benipur, Darbhanga/ court concerned in connection with Bahera
P.S. Case No. 280 of 2022, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal Procedure
and other following conditions:

- (i) One of the bailors will be a close relative of the
petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below, if so required
by the learned trial court.

(Arun Kumar Jha, J)

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