

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45689 of 2023

Arising out of PS. Case No.-47 Year-2023 Thana- KUNDWACHAINPUR District- East Champaran

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1. MD. IQEBAL @ MD. IQBAL ZAFAR S/O ABDUL MOBIN R/O VILLAGE- SISAHNI, PS. KUNDWA CHAINPUR, DIST. EAST CHAMPARAN
 2. MD. SAIFULLAH @ SAFULLAH S/O MD. FAHIMUL HAQ @ FAHIMUL @ MAZANI R/O VILLAGE- SISAHNI, P.O.-BARAHARWA FATE MOHAMMAD, PS. KUNDWA CHAINPUR, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Nath Dubey, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 06-09-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. The petitioners apprehend their arrest in connection with Kundwa Chainpur P.S. Case No. 47 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 387, 354(B), 504, 506 and 379 of the Indian Penal Code.
3. The allegation is regarding the accused persons including the petitioners herein, variously armed, having entered the house of the informant on 21.03.2023 at around 07:15 P.M., whereafter



they are alleged to have abused and assaulted the informant and demanded a sum of Rs. 50,000/- by way of extortion money and when the informant had objected, the petitioners had given knife blow on the head of the informant, whereafter other accused persons had also assaulted the informant and his family members.

4. The learned counsel for the petitioners has submitted 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 injury report annexed as Annexure-2 to the present petition would show that the informant has received simple injuries, hence benefit of doubt be granted to the petitioners for the purposes of admitting them to the privilege of anticipatory bail.

5. *Per contra*, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioners are having a clean antecedent, the injuries sustained by the informant, attributable to the petitioners herein, have been found to be simple in nature and they are young boys having a bright career, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

7. Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-5, Sikrahna, Dhaka, District-East Champaran in connection with Kundwa Chainpur P.S. Case No. 47 of 2023,



subject to the conditions as stipulated under
Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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