

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47857 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- KURLIKOT District- Kishanganj

1. Safique Alam @ Md. Safique @ Md. Safik Son Of Late Kalimuddin Resident Of Village- Karbalbhitha, Ps- Kurlikot, Dist- Kishanganj
2. Md. Najir @ Najir Son Of Late Goli Mohammad Resident Of Village- Karbalbhitha, Ps- Kurlikot, Dist- Kishanganj
3. Md. Ishaque @ Md. Ishak Son Of Late Goli Mohammad Resident Of Village- Karbalbhitha, Ps- Kurlikot, Dist- Kishanganj
4. Akhtari Begum @ Akhtarun Begum Akhtarun Wife Of Safique Alam @ Md. Safique @ Md. Safik Resident Of Village- Karbalbhitha, Ps- Kurlikot, Dist- Kishanganj
5. Kasmeri Begum @ Kasimera Wife Of Md. Najir @ Najir Resident Of Village- Karbalbhitha, Ps- Kurlikot, Dist- Kishanganj
6. Nasima Khatoon @ Najima Wife Of Md. Najir @ Najir Resident Of Village- Karbalbhitha, Ps- Kurlikot, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023

Heard the parties.

The petitioners are apprehending their arrest in connection with Kurlikot P.S. Case No. 34 of 2023 for the offence under sections 341, 323, 354(B), 379, 384, 427, 504 and 506/34 of the I.P.C. lodged on 18.05.2023 by the informant, Md. Ajiz.

As per the prosecution story, the informant alongwith his wife were going to the farm, found the accused persons



demolishing their house and when this was objected, they were assaulted and further, the accused Najir tried to outrage the modesty of informant's wife and also took away cash and ornaments. Accordingly, the F.I.R.

Learned counsel for the petitioners submit that the entire family members have been roped in, the allegations are omnibus in nature and no injury report is on record.

Learned APP opposes the prayer stating that all of them are having criminal antecedent.

Considering the aforesaid submissions put forward by the learned counsel for the petitioners as also that there is omnibus allegations against all the accused persons, there is no injury report on the record, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M, Kishanganj, in connection with Kurlikot P.S. Case No. 34 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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