

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52776 of 2023

Arising Out of PS. Case No.-294 Year-2023 Thana- SIKARPUR District- West Champaran

1. Sheikh Haroon @ Haroon Sheikh S/O Late Sheikh Khedarul @ Kheda Sheikh R/O Village- Rakhahi, Pakahwa Tola, Ps. Shikarpur, Dist. West Champaran
2. Sheikh Murtuza @ Murtuza Sheikh S/O Late Sheikh Dukhi @ Dukhi Sheikh R/O Village- Rakhahi, Pakahwa Tola, Ps. Shikarpur, Dist. West Champaran
3. Sukat Ansari @ Kudus Ansari S/O Late Abdulla Ansari @ Nasaruddin Ansari R/O Village- Rakhahi, Pakahwa Tola, Ps. Shikarpur, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shyama Kumari, Adv.

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Shyama Kumari, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The Petitioners are apprehending their arrest in connection with Shikarpur P.S. Case No. 294 of 2023, registered for the offences punishable under Sections 147,148,341,307,380,504,506 of the Indian Penal Code.

3. Allegedly, all the 13 FIR named accused persons variously armed, entered into the house of the informant and assaulted the informant and his family members. On protest being made by Tabassun Khatun and his brother Baitullah



Sheikh, they were also brutally assaulted. The other family members were also assaulted by the petitioners and others. The accused persons also snatched the valuables of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that the present case is nothing but only in retaliation of Shikarpur P.S. Case No. 288 of 2023 lodged by the petitioner no. 2 on 12.04.2023 against the informant and his family members. She submits that in fact no such occurrence took place, however, only in order to wreak vengeance, the present FIR has been instituted. She further drew the attention of this Court to the injury report of Sheikh Rahamullah and submits that the injuries have been found to be simple in nature. Moreover, other family members of the informant has not sustained any injury and thus there is no injury report as such.

5. On the other hand, learned counsel for the State opposes the bail application and submits that be that as it may, there is case and counter case and specif allegation has been levelled against the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the nature of injury, coupled with the fair antecedent of the petitioner, let the petitioners abovenamed be released on 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 294 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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