

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55944 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- KASBA District- Purnia

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1. NANHE KHAN @ MD. SAHIL ALAM Son of Md. Hasim Khan @ Hasimuddin Resident of village - Sarrabathana, P.s. - Kasba, Distt. - Purnea
 2. Imran Khan @ Imran Alam Son of Md. Hasim Khan @ S.K Hasim Resident of village - Sarrabathana, P.s. - Kasba, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kasba P.S. Case No. 171 of 2023 registered for the offences punishable under Sections 341, 323, 379, 385, 427, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act and Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are brothers and the informant alleges that he has a shop, it is next alleged that the petitioners came and asked him to remove the shop from their land or they will set the shop on fire. It is next alleged



that on protest they assaulted him and took away Rs. 30,000/- from the cash box and on alarm people gathered when the petitioners fled after firing 5-7 rounds in air, it is next alleged that the bullet motorcycle, by which the petitioners had come, had liquor along with other articles in it which they left while fleeing and accordingly the motorcycle was handed over to the police.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that informant is tenant of the petitioners and on account of dispute relating to rent, the present false case has been instituted. It is further submitted that petitioners had gone on their land and an altercation took place in which the petitioners along with other persons of the locality assaulted them and they had to flee leaving their motorcycle. Learned counsel further submits that it appears that in order to falsely implicate the petitioners, liquor was planted and thereafter the motorcycle was handed over to the police, it is further submitted that no prudent person would carry liquor in his own vehicle and thus would get implicated by creating evidence against himself when admittedly the petitioners are persons with clean antecedent.



5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kasba P.S. Case No. 171 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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