

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59301 of 2023

Arising Out of PS. Case No.-132 Year-2023 Thana- BIRAUL District- Darbhanga

Md. Kalam, Male, aged about 55 years, Son of Md. Majid, Resident of Village- Dahma, P.S- Biroul, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Manan Khan, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Abdul Manan Khan, learned counsel appearing on behalf of the petitioner and Mr. Nand Kishore Prasad, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Biraul P.S. Case No.132 of 2023, registered for the offence punishable under Sections 341, 323, 379, 384, 336, 353, 342 and 34 of the Indian Penal Code.

3. Allegedly while the informant was discharging his duty as a Dakpal, in the meantime co-accused Md. Sadrul arrived there in an inebriated condition and demanded money for consumption of liquor, due to which some altercation has taken place, whereupon, he fell down and sustained some injuries. It is further alleged that the petitioner and other co-accused persons have assaulted the informant when he was distributing



the post. They also took registered post and demand draft of the value of Rs. 1,100/-. Further, the petitioner by making extortion has received Rs. 20,000/- in his account and similarly other accused persons have also received certain amount from the informant.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the FIR, it is evident that Md. Sadrul was assaulted by the informant due to which he sustained injuries and when this incident was taken to the *Panchayat* the *Panches* have decided to realize the expenditure of treatment of Md. Shardul from the informant and the informant voluntarily deposited certain amount including Rs. 20,000/- in the account of the petitioner for treatment which fact can very well be corroborated by the *Panchanama*, which is at Annexure-2, duly signed by various persons including the informant. He further submits that from the *Panchanama*, it is evident that the informant deposited the money in the account of the petitioner as an expenditure of treatment of injured Md. Shardul. He next submitted that the FIR has been instituted on 01.04.2023 whereas the *Panchnama* was made on 31.03.2023, that too only in order to wreck vengeance against all the *Panches* of the *Panchayat*. He lastly submitted that the



petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the *Panchnama* of which informant is one of the signatory, couple with the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P.S. Case No. 132 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 petitioner.

(Harish Kumar, J)

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