

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59573 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- ABADPUR District- Katihar

Md. Khalek Sarkar @ Abdul Khalik S/O Late Kosam Ali R/O Village-
Chapakhor, P.S- Abadpur, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Syed Mojibur Rahman, A.P.P
For the Informant/s	:	Mr. Ejaz Akhter, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 20-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

3. The petitioner is apprehending his arrest in connection with Abadpur P.S. Case No. 39 of 2023 dated 29.03.2023 registered for the offences punishable Under Sections 447, 341, 323, 324, 379, 504, 506/34 and subsequently 307 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the co-accused persons came holding deadly weapons and assaulted



the informant. In the meantime, the co-accused Md. Aslam inflicted Chapar blow on the head of the informant. When the informant's father and mother came to rescue, the accused persons assaulted them causing injury. Thereafter, they snatched Rs. 10,000/- from the pocket of the informant.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case on account of land dispute. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The specific allegation of assaulted is against the co-accused Md. Aslam. There is general and omnibus allegation against the petitioner. There is a case and counter case between both the parties.

6. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned,



Katihar in connection with Abadpur P.S. Case No. 39 of 2023,
subject to conditions as laid down under section 438(2) of the
Code of Criminal Procedure, with further condition:-

(i).The petitioner is directed to remain physically
present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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