

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57013 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- MANPUR District- West Champaran

1. HARUN SHEIKH, Son of Late Sheikh Islam Resident of village - Chakarsan, Police Station - Manpur, District - West Champaran.
2. Bhulan Sheikh Son of Late Sheikh Islam Resident of village - Chakarsan, Police Station - Manpur, District - West Champaran.
3. Imteyaz Sheikh Son of Late Sheikh Islam Resident of village - Chakarsan, Police Station - Manpur, District - West Champaran.
4. Bhoj Sheikh Son of Arman Sheikh Resident of village - Chakarsan, Police Station - Manpur, District - West Champaran.
5. Gulrej Sheikh Son of Bhulan Sheikh Resident of village - Chakarsan, Police Station - Manpur, District - West Champaran.
6. Nasira Khatoon Wife of Arman Sheikh Resident of village - Chakarsan, Police Station - Manpur, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners submits that during the pendency of this application, the petitioner no. 1, Harun Sheikh has been arrested and hence, seeks permission



to withdraw this present application.

The present application is dismissed as withdrawn.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 325, 307, 324, 379, 354(A), 504 and 506 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the petitioners and the co-accused persons armed with *lathi*, *danda*, spade and *farsa* came and the co-accused Shahil Sheikh exhorted to kill the informant and his family members then the co-accused persons assaulted Sheikh Hizabul, Sheikh Aurangjeb, Sheikh Mohammad Saheb and Sheikh Tabrej causing cut injury on their heads. The petitioner Bhulan Sheikh and the co-accused Harun Sheikh took out Rs. 50,000 from the pocket of Riyajul.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case due to land dispute. There is case and counter case between the parties. He has further submitted that the petitioners are the members of mob. There is no overt act against the petitioners. The petitioners have got clean antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has opposed the prayer



for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation is against the petitioners, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of Court concerned, Bettiah, West Champaran in connection with Manpur P.S. Case No. 38 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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