

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59899 of 2022

Arising Out of PS. Case No.-280 Year-2021 Thana- KADWA District- Katihar

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1. TARIK ANWAR Son of Taha Hussain Resident of Village- Gandhinagar, P.O.- Sonaili, P.S.- Kadwa, District- Katihar
 2. RAFIK ALAM Son of Taha Hussain Resident of Village- Gandhinagar, P.O.- Sonaili, P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Yatindra Narayan, Advocate
For the State : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application in respect of petitioner no.1, Tarik Anwar as he has already been arrested by the police.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdrawn so far as petitioner no.1, Tarik Anwar is concerned.

Heard both sides.

Petitioner No.2, Rafik Alam apprehends his arrest in connection with Kadwa P.S. Case No.280 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323,



324, 325, 353, 188, 436, 307, 356, 171(G), 171(H), 379, 504 and 506 of the Indian Penal Code.

Prosecution case, in short, is that on 29.11.2021 the informant alongwith other police personnel were on duty in course of *panchayat* election and on the basis of information they reached at booth No.329 of village Singalpur, where anti social elements were making obstruction in election proceeding and scuffle took place, due to which C.O. Uday Kant Mishra sustained injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that similarly situated other co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.05.2022, passed in Cr. Misc. No.19146 of 2022 (Annexure-5 series).

Considering the fact that other co-accused persons have already been enlarged on anticipatory bail by a co-ordinate Bench of this Court, let petitioner no.2, namely, Rafik Alam, in the event of his arrest or surrender before the learned court



below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., West Champaran, Katihar in connection with Kadwa P.S. Case No.280 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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