

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63812 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- PALASI District- Araria

1. MD. TARIK @ MD. TARIF @ TARIF son of Kafil @ Kafeel Village- Karhobna W.No-11, Ps- Jokihat Dist- Araria
2. Md. Saddam son of Kafil @ Kafeel Village- Karhobna W.No-11, Ps- Jokihat Dist- Araria
3. Aslam son of Shakil Village- Karhobna W.No-11, Ps- Jokihat Dist- Araria
4. Md. Gaffar @ Guffar son of Naushad Village- Karhobna W.No-11, Ps- Jokihat Dist- Araria
5. Fakhruddin @ Fakruddin son of Safik Village- Karhobna W.No-11, Ps- Jokihat Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Palasi P.S. Case No.63 of 2023 registered for the offences punishable under Sections 341, 342, 323, 354(B), 379 and 504/34 of the Indian Penal Code. The petitioner has got no criminal antecedent.

3. As per the prosecution story, on 22.02.2023 at about 4.00 pm while the informant along with his wife were returning home by his motorcycle, some unknown persons

started chasing him and near Belbari More, they intercepted his motorcycle and started abusing and assaulting him. It is further alleged that the accused Aslam and Gufar torn the cloth of his wife with bad intention and accused Fakhruddin snatched silver chain from the neck of his wife and accused Saddam took away Rs.20,000/- from his pocket. It is alleged that on the point of knife the accused persons also took away motorcycle which was registered in the name of his cousin.

4. Learned counsel for the petitioners submits that present case has been lodged only to falsely implicate the petitioners because of on-going matrimonial dispute between the sister of petitioner nos.1 and 2 on the one hand and the cousin of the informant on the other hand. Learned counsel submits that the motorcycle in question is registered in the name of cousin of the informant who is brother-in-law of the petitioner nos.1 and 2 and in the alleged occurrence which has been reported five days after the date of occurrence giving rise to the present FIR, no injury has been caused to anyone. It is submitted that the petitioners have otherwise no criminal.

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

6. Having regard to the facts and circumstances of the

case wherein it is submitted that the present case has been lodged only to falsely implicate the petitioners because of on-going matrimonial dispute between the sister of petitioner nos.1 and 2 on the one hand and the cousin of the informant on the other hand, the submission that the motorcycle in question is registered in the name of cousin of the informant who is brother-in-law of the petitioner nos.1 and 2 and in the alleged occurrence which has been reported five days after the date of occurrence giving rise to the present FIR, no injury has been caused to anyone, the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Araria in connection with Palasi P.S. Case No. 63 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for

cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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