

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63607 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- AMDABAD District- Katihar

1. MD. BOGDAD @ SK. BOGDAD Son of Sk. Mansur @ Late Sk. Islam R/o Paharpur, P.S. - Amdabad, Distt. - Katihar
2. Sk. Akhtar Son of Late Sk. Islam R/o Paharpur, P.S. - Amdabad, Distt. - Katihar
3. Sk. Afsar Son of Late Sk. Islam @ Late Sk. Akhtar R/o Paharpur, P.S. - Amdabad, Distt. - Katihar
4. Sk. Osama Son of Sk. Akhtar R/o Paharpur, P.S. - Amdabad, Distt. - Katihar
5. Sk. Nijju Son of Sk. Firoj R/o Paharpur, P.S. - Amdabad, Distt. - Katihar
6. Sk. Najir Son of Sk. Nasim R/o Paharpur, P.S. - Amdabad, Distt. - Katihar
7. Rina Khatoon Wife of Sk. Akhtar R/o Paharpur, P.S. - Amdabad, Distt. - Katihar
8. Chunni Khatoon Wife of Sk. Nijju R/o Paharpur, P.S. - Amdabad, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, 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 Amdabad P.S. Case No.101 of 2023 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 354, 447, 504 and 506/34 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. As per the prosecution story, on 24.04.2023 at 8.00



am all the FIR named accused persons came at the door of the informant with deadly weapons and started assaulting the informant. One Sk. Akhtar (petitioner no.2) assaulted the son of the informant namely Sk. Rafikul by means of sword due to which he sustained severe head injury. It is alleged that all the accused persons torn the sari of the daughter-in-law of the informant and snatched away silver chain from her neck.

4. Learned counsel for the petitioners submits that there is a case and counter case between the parties and so far as other petitioners except Sk. Akhtar (petitioner no.2) is concerned, the allegations against them are general and omnibus. Learned counsel submits that the other injuries except that of Sk. Rafikul are simple in nature and these petitioners have otherwise no criminal antecedent.

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

6. Having regard to the submission that there is a case and counter case between the parties and so far as other petitioners except Sk. Akhtar (petitioner no.2) is concerned, the allegations against them are general and omnibus and further submission that the other injuries except that of Sk. Rafikul are simple in nature and these petitioners have otherwise no



criminal antecedent, this Court directs that in case of their arrest/surrender within a period of six weeks from today, let the petitioner nos. 1, 3, 4, 5, 6, 7, and 8 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 C.J.M., Katihar in connection with Amdabad P.S. Case No. 101 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 petitioner nos. 1, 3, 4, 5, 6, 7, and 8 and in case at any stage it is found that they have concealed their criminal antecedent, the court below shall take step for cancellation of their bail bonds. 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. As regards petitioner no.2, this Court having noticed that he has caused grievous injury to the son of the petitioner, this Court is not inclined to grant privilege of anticipatory bail to petitioner no.2. His prayer is refused.

9. In case the petitioner no.2 surrenders and prays for regular bail in the learned court below within a period of four



weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

10. This application is partly allowed.

(Rajeev Ranjan Prasad, J)

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