

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62906 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- KANGLI District- West Champaran

1. Enarul Haque @ Anwarul Haque Son Of Naimuddin @ Md. Naimuddin Resident Of Village- Kathiya Mathiya, Tola Pokhariya, Ps- Kangli, Distt- West Champaran
2. Imamul Haque @ Emamul Haque @ Emamul Hassan Son Of Naimuddin @ Md. Naimuddin Resident Of Village- Kathiya Mathiya, Tola Pokhariya, Ps- Kangli, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State. The informant is represented by Mr. Randhir Kumar.

2. The petitioners apprehend their arrest in connection with Kangli P.S. Case No. 87 of 2022, registered for the offences under Sections 323, 341, 379, 376, 511 of the Indian Penal Code and Section 4/8 of POSCO Act.

3. The present F.I.R. is arising out of a complaint case registered on 10.11.2022, alleging therein that at the time of occurrence while the complainant was engaged in work, in the meantime, the co-accused Sahzad Alam came there and started



behaving indecently. On protest being made, the co-accused Sahzad Alam assaulted her by means of bamboo due to which she sustained a fracture injury. It is further alleged that the petitioners, who happen to be brother of the aforementioned co-accused came there and also assaulted the father and brother of the complainant and snatched the valuables.

4. It is submitted on behalf of the petitioners that with regard to an occurrence which took place on 29.08.2022, the complaint case was filed on 10.11.2022, giving rise to the present F.I.R. however, after investigation, the police has submitted final form showing the petitioners as innocent and they have not even been sent up for trial but the learned jurisdiction Court differing with the final report has taken cognizance for the offences alleged, thus, the necessity of the present petition. He further drew the attention of this Court to the F.I.R. instituted by father of the petitioners being Kangli P.S. Case No. 72 of 2022 dated 29.08.2022 instituted against the informant and his family members. He lastly submits that the petitioners are men of fair antecedents and moreover they undertake to cooperate in the proceedings of the Court.

5. On the other hand, learned counsel for the informant opposes the bail application and submits that specific



allegation has been levelled against the petitioners that they assaulted the fathers and brothers of the complainants and moreover the learned Court has taken cognizance of the offences as alleged in the F.I.R.

6. Having regard to the submissions made on behalf of the parties and considering the fact that the police after investigation submitted final form showing the petitioners as innocent, coupled with their fair antecedents and the delay in lodging of the complaint giving rise to the present F.I.R, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned 7th Additional District & Sessions Judge-cum-Special Judge (POSCO), Bettiah, West Champaran in connection with Kangli P.S. Case No. 87 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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