

Arising Out of PS. Case No.-80 Year-2023 Thana- POTHYA District- Kishanganj

1. IFTEKHAR son of Islamuddin Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj
2. Rafique son of Jamaluddin Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj
3. Rakib @ Rakib Alam son of Mohiuddin @ Mohim Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj
4. Irsad @ Irsad Ali son of Sabbir Alam Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj
5. Misba @ Misba Alam son of Islamuddin Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj
6. Nargis wife of Misba Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj
7. Aslam son of Late Abdul Hamid @ Hamid Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj
8. Imran @ Md. Imran son of Misba @ Misbaul Village- Mukhtarbasti Maulanapara Ps- Pothia Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.
For the State : Mr.Binod Kumar No.3, APP
For the Informant : Mr. Manoj Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-11-2023 1. Learned counsel for the petitioners seeks
permission to withdraw the prayer for anticipatory bail of
petitioner No.4, Irsad @ Irsad Ali, who has been arrested.

2. Considering the above submission, prayer for anticipatory bail of petitioner No.4 stands dismissed as withdrawn.



3. Heard learned counsel for the parties.

4. The petitioners apprehend their arrest in connection with Pothia P.S. Case No. 80/ 2023 dated 08.04.2023 registered for the offence(s) punishable under Section(s) 147, 148, 149, 341, 323, 324, 325, 307, 354, 452, 504 and 506 of the Indian Penal Code.

5. The main submissions advanced by the learned counsel for the petitioners are that altogether 27 persons have been named in the FIR and except petitioner No.8, there is no specific allegation of assault against these petitioners and in the present matter, two persons are stated to have sustained injuries out of them one person, namely, Rabiya Begum, sustained grievous injuries and another injured, namely, Samida Begum, sustained simple injuries.

6. Learned counsel appearing for the informant vehemently opposed the bail prayer of the petitioners and submitted that there is serious allegation against them and they do not deserve the privilege of anticipatory bail.

7. Considering the above submissions and mainly the nature of allegation appearing against the petitioners No. 1, 2, 3, 5, 6 and 7, this court is inclined to accept their bail prayer. Accordingly, let the petitioners No. 1 to 3 and 5 to 7 named-



above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Pothia P.S. Case No. 80/2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as prayer for anticipatory bail of petitioner No.8, Imran @ Md. Imran is concerned, there is specific allegation against him of having assaulted at the head of informant by means of rod and the said allegation gets corroboration from the informant's injury report, in my opinion, petitioner No.8 does not deserve to the privilege of anticipatory bail. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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