

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66644 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- KADWA District- Katihar

1. Md. Tamijuddin Son Of Late Abdul Wahab Resident Of Baura Mal, P.S. - Kadwa, District - Katihar
2. Md. Sukur @ Md. Shakoor Son Of Late Abdul Wahab Resident Of Baura Mal, P.S. - Kadwa, District - Katihar
3. Md. Israil Son Of Late Abdul Wahab Resident Of Baura Mal, P.S. - Kadwa, District - Katihar
4. Anwar Son Of Md. Yusuf Resident Of Baura Mal, P.S. - Kadwa, District - Katihar

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Sanjeev Kumar Singh, Advocate Ms. Neha Rani, Advocate
For the Opposite Party/s :		Dr. Mrityunjaya Kr. Gautam, APP
For the O.P. No.2	:	Mr. Vinay Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-10-2023 Heard learned Senior 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 Kadwa P.S. Case No. 110 of 2023 registered for the offences punishable under Sections 341, 323, 308, 379, 504, 506 and 34 of the Indian Penal Code later on Section 307 of the Indian Penal Code was added. Petitioner nos. 1 and 3 have two criminal antecedent and petitioner no. 2 and 4 are persons with clean antecedent.



3. As per the prosecution story, on 28.05.2023 at 6.15 am while the informant was coming home from his field, all the accused persons including the petitioners variously armed surrounded him and started assaulting him by lathi danda, in the meantime, petitioner no.1 stabbed the informant by a knife which caused injury below his right eye, petitioner no.2 pressed his neck, petitioner no.4 took Rs. 1,200/- from his pocket and petitioner no.3 assaulted the informant by a fighter.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is a general and omnibus allegation against petitioner nos. 2, 3 and 4, there is a case and counter case between the parties.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that the injury caused to the informant by petitioner no.1 is said to be grievous in nature.

6. Having regard to the facts and circumstances of the case wherein it appears that the allegations attributed to Md. Tamijuddin (petitioner no.1) is getting corroborated from the injury report and it shows grievous injury caused by petitioner no.1 to the informant, this Court is not inclined to grant the



privilege of anticipatory bail to the petitioner no.1. His prayer for anticipatory bail is refused.

7. In case the petitioner no.1 surrenders and prays for regular bail within a period of six weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by order of this Court.

8. So far as petitioner nos. 2, 3 and 4 are concerned, the allegations against them are that of causing assault, however, those are not getting substantiated from the injury report in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioner nos. 2, 3 and 4 above named be released on bail in connection with Kadwa P.S. Case No. 110 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar 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. 2, 3 and 4 and in case at any stage it is found that the petitioner nos. 2, 3 and 4 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos.



2, 3 and 4. 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 partly allowed.

(Rajeev Ranjan Prasad, J)

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