

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73201 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- HABIBPUR District- Bhagalpur

1. MD. ASHFAQUE AHAMD S/O MD. SAJID AHMAD @ MD. SAJID Resident of village- Shahjangi, P.S.- Habibpur, District- Bhagalpur.
2. MD. NISAR AHMAD @MD. NISAR @MD. NISHAD AHMAD S/O MD. SAJID AHMAD @ MD. SAJID Resident of village- Shahjangi, P.S.- Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Md. Najmul Hodda, Adv. Mr. Swapnil Kumar Singh, Adv.
For the State	:	Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned Senior Counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Habibpur P.S. Case No. 19 of 2022 registered for the offence punishable under Section 406, 385, 504, 506, 34 and 120(B) of the Indian Penal Code.

The allegation is regarding the marriage of the petitioner no. 1 having been solemnized with the daughter of the informant in the year, 2007, however, subsequently, it is alleged that the daughter of the informant was ousted from her matrimonial home, resulting in her falling ill and her subsequent



death on 14.11.2021. It is the further allegation of the informant that the articles, belonging to the daughter of the informant, have been seized by the petitioner no. 1 and his father i.e. the petitioner no. 2 and they are not returning the same.

The learned Senior Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned Senior Counsel for the petitioner has further submitted that the petitioners are an accused in one other case, but they are on bail in the said case. The learned Senior Counsel for the petitioners has also submitted that there was no connection between the petitioners and the informant and his family members and in fact, none of the articles, as alleged, were or are present with the petitioners, hence, a false and concocted story has been propounded with a view to extract illegal gains.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior Counsel for the petitioners, considering the materials available on record and taking into account the fact that the petitioners were not having any connection with the informant and his



family members since a long time and earlier to the present FIR, there was no allegation of the petitioners having kept the articles of the daughter of the informant, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory 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, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Habibpur P.S.Case No. 19 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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