

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74655 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- KATIHAR MUFFASIL District- Katihar

1. Arju Alam @ Md. Aarju Alam S/O Md. Sajjad Ali R/O Vilage- Hathiya Diyara, P.S- Katihar (MUFFASIL), Distt.- Katihar.
2. Md. Kausar @ Md. Kousar Alam @ Kausar Alam S/O Ajijul Haque R/O Vilage- Hathiya Diyara, P.S- Katihar (MUFFASIL), Distt.- Katihar.
3. Md. Sirajul @ Md. Serajul S/O Manjoor Ali R/O Vilage- Hathiya Diyara, P.S- Katihar (MUFFASIL), Distt.- Katihar.
4. Salim @ Kaloo @ Md. Kaloo S/O Md. Jamshed R/O Vilage- Hathiya Diyara, P.S- Katihar (MUFFASIL), Distt.- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar Advocate General Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 353, 337, 504 and 506 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioners along with other co-accused persons have assaulted the police party, pelted brick stone upon them and made obstruction in discharging the government duty.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. He further submits that no person were injured in the present occurrence. He submits that the petitioners were not made any slogan against the police rather they were standing for seeing the accident which is usually seen in the village. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation levelled as the petitioners is serious in nature. Hence, they do not deserve anticipatory bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioners on bail in connection with Katihar (Muffasil) P.S. Case No. 97 of 2023. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. However, if the petitioners surrender before the learned Court below within a period of six weeks from today and seek regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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