

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5016 of 2023

Arising Out of PS. Case No.-24 Year-2022 Thana- KHIRHAR District- Madhubani

1. MD. RIZWAN @ MD. RIZWAN NADAF S/O BASIR NADAF Resident of village- Samhali, P.S.- Khirhar District- Madhubani.
2. MD. AFZAL @ MD. AFZAL NADAF S/O BASIR NADAF Resident of village- Samhali, P.S.- Khirhar District- Madhubani.
3. MD. SAHADT @ MD. SHAHADAT NADAF S/O BASIR NADAF Resident of village- Samhali, P.S.- Khirhar District- Madhubani.
4. MD. BASIR @ MD. BASIR NADAF S/O MARHUM RASUL NADAF Resident of village- Samhali, P.S.- Khirhar District- Madhubani.
5. RABBO KHATOON W/O BASIR NADAF Resident of village- Samhali, P.S.- Khirhar District- Madhubani.
6. ASMUN KHATOON W/O GUFRAN Resident of village- Samhali, P.S.- Khirhar District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv. Mr.Ravi Prakash, Adv. Mr.Rajesh Kumar, Adv.
For the Opposite Party/s :		Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-04-2023 Heard learned counsels for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 143, 341, 323, 324, 307, 379, 509,
504, 506/34 of the IPC.

As per the prosecution case, the F.I.R. named accused
persons including the petitioners assaulted the informant and her



sons by alleging that they have taken their hen.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to previous enmity. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Petitioners are the in-laws of the informant and are living separately. There is an admitted prior dispute between the parties. It is further submitted that there is an inordinate delay of 18 days in lodging the First Information Report, which was registered on 05.04.2022 though the alleged date of occurrence was 17.03.2022 and no plausible explanation for such delay has been given. It itself creates doubt about the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the delay in lodging the F.I.R., let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 the learned court below where the case is pending/Successor Court in connection with Khirhar P.S. Case No.24 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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