

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12497 of 2024

Arising Out of PS. Case No.-252 Year-2023 Thana- DARBHANGA District- Darbhanga

Sohail Ahmad @ Md Sohail Ahmad Son of Late Md Alam Resident of Vill.-
Lalbagh Bhagat Singh Chowk, Ansari Mohalla, P.S.-Darbhanga (Nagar),
Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saurav Anand
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman
For the Informant	:	Mr. Wasit Rahman Khan
	:	Mr. Shahbaj Alamabg

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 14-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Darbhanga (Town) Police Station Case No. 252 of 2023, disclosing offences under Sections 147, 148, 149, 323, 324, 307, 341, 448, 427, 386, 379, 504, 506 of the Indian Penal Code.
3. As per the First Information Report, on 18.08.2023, while the informant was cleaning drain with the help of staff, the accused persons, altogether sixteen in numbers along with twenty to twenty five persons, arrived there, abused the informant, entered into his house and looted the



household articles. In the meanwhile, accused Nadeem assaulted Amir Khan by means of iron rod on his head. It is further alleged that co-accused Md. Faizan gave farsa blow on the head of Minhazul Islam Khan i.e., informant and co-accused Md. Tammann gave iron rod to Sanjay Paswan. The accused persons also looted Rs. 80,000/-, three mobiles, damaged the motorcycle etc. It has been alleged that some day prior to the occurrence, the petitioner and Ziyaur Rahman had demanded Rs. 5 lacs as rangdari from the informant.

4. Learned Counsel for the petitioner submits that the petitioner is a teacher and has falsely been implicated in the present case due to dispute regarding passage in the village. He further submits that in the entire FIR, there is no allegation that the petitioner has assaulted the informant, his family members or his staff. In the last line of the FIR, it has only been said that the petitioner, some time back, had demanded rangdari of Rs. 5 lacs but no complaint whatsoever in this regard was made by the informant before police or any other forum. The petitioner is having no criminal antecedent.
5. On the other hand, learned counsel for the informant



vehemently opposes the prayer for bail and submits that the petitioner is the kingpin and he was the person behind the present occurrence. The co-accused Nadeem is the son of the petitioner who upon instigation of the petitioner assaulted one Amir Khan. Earlier, on demand of rangdari by the petitioner, the informant had already paid Rs. 2 lacs and in fact, the informant has come from outside in order to settle down in the village which is being opposed by the petitioner and others.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation against the petitioner in the FIR and the fact that petitioner is a government servant, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Darbhanga (Town) Police Station Case No. 252 of 2023, subject to the condition



laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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