

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30638 of 2024

Arising Out of PS. Case No.-13 Year-2022 Thana- GARVANDANGA District- Kishanganj

1. Sahabuddin @ Sahbuddin Son of Abu Talib R/o Village- Barbhang, P.S- Garbandanga, District- Kishanganj.
2. Md. Taiyab Alam @ Jamedar @ Tayab son of Samsuddin R/o Village- Suribhita, P.S.- Garbandanga, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Garbandanga P.S. Case No. 13/2022 registered for the offences punishable under Sections 147, 149, 323, 325, 353, 279, 337, 338 of the Indian Penal Code.

3. As per prosecution case, the informant alongwith police officials left for Naka duty. It is alleged that a group of smuggler was carrying chemical fertilizer and reached the Naka. It is alleged that when the police personnel tried to stop the motorcycle, smuggler dashed to Manish Kumar (Inspector) as a result of which he sustained head injury. It is



further alleged that some unknown men and women from the village helped the smugglers in escaping them. The petitioners are one among them.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. The petitioners bear no criminal antecedent. The petitioners were not present on the spot and no incriminating article was recovered from the conscious possession of the petitioners. He further submits that all the sections are bailable in nature, except Section 353 of the I.P.C.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Kishanganj in connection with Garbandanga P.S.
Case No. 13/2022, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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