

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35952 of 2024

Arising Out of PS. Case No.-23 Year-2024 Thana- BARARI District- Katihar

1. Iftekhar Alam @ Iftekhar @ Iftikhar Alam @ Etekhar Son of Ainul Haque @ Anamul Haque R/O Vill.- Mohna Chandpur, P.S.- Barari, Semapur, Dist.- Katihar
2. Toimul @ Toimur @ Md. Taimur Haque Son of Afsar Haji R/O Vill.- Mohna Chandpur, P.S.- Barari, Semapur, Dist.- Katihar
3. Alam @ Md. Alam Son of Abul Kasim R/O Vill.- MALKAN GHAT, P.S.- BARARI, SEMAPUR, DIST.- KATIHAR
4. Harun @ Harun Rashid Son of Lutfur R/O Vill.- Kawaiya Dhar, P.S.- Barari, Semapur, Dist.- Katihar
5. Baijul @ Md. Baijul Haque son of Lutfur R/O Vill.- Kawaiya Dhar, P.S.- Barari, Semapur, Dist.- Katihar
6. Mofijul @ Md. Mofijul Son of Lutfur R/O Vill.- Kawaiya Dhar, P.S.- Barari, Semapur, Dist.- Katihar
7. Tarique @ Md. Tarique Anwar Son of Abdul Rahman R/O Vill.- Sirkatta, P.S.- Barari, Dist.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar,Adv.
For the Opposite Party/s : Mr.Atul Chandra, APP
For the informant : Mr. Praveen Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Barari P S Case No.23 of 2024 dated 21-01-2024, instituted under Sections 341,323,342,307, 379 and 506/34 of the Indian Penal Code.



3. As per allegation in the FIR, the informant's father and brothers had gone to Kalikapur Central Bank for depositing Rs. 3,75,000/- and when they reached near the Bank all the accused persons along with other persons assaulted his father and brothers and forcibly took them to their village Sirkatta. They assaulted them and snatched the money. Thereafter, his father and brothers were taken for better treatment from referral hospital to another hospital.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that informant is the elder brother of brother-in-law of petitioner nos. 4 to 6, namely, Najim Alam. Both the parties are closely related to each other. It is next submitted that there is no specific allegation against the petitioners. It is further submitted that the present case has been lodged three days after the alleged occurrence. The injury report reveals that requisition was made by the Officer in-Charge on 23-01-2024 whereas the injured of this case got treated on 20-01-2024 and the same was issued by the Doctor without giving any date, which also created a doubt about the said injury report. As per the injury report, which is annexed as Annexure-P-3 series, all the injuries sustained by the injured of the instant



case are simple in nature except the injury of the father of informant, namely, Noor Mohammad whose injury no.1 was grievous and other injuries i.e. injury nos. 2 and 3 are simple in nature caused by hard and blunt substance. Further, it is submitted that sister of petitioner nos. 4, 5 and 6, namely, Yashmin Ara, who is wife of Najim Alam, had lodged a case bearing Barari PS Case No. 25 of 2024, dated 23-01-2024 under Sections 498(A) and other allied Sections of the IPC against the informant's side. Lastly, it is submitted that petitioners have no criminal antecedents.

5. Learned counsel for the informant and learned APP for the State have opposed the prayer for bail. It is submitted that all the accused persons including the petitioners have mercilessly assaulted the informant's father and brother and snatched Rs. 3,75,000/- from them.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-1st Katihar, in Barari P S Case No. 23 of 2024,



subject to the conditions laid down in Section 438(2) of the
Code of Criminal Procedure,1973.

7. The application stands allowed.

(Khatim Reza, J)

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