

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40954 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- BAIRIYA District- West Champaran

1. Shekh Tabarak @ Seikh Tabarak Son of Seikh Abdulaish @ Shekh Abdulaish, R/o- Village Miyapur, P.S- Bairiya , Dist- West Champaran.
2. Seikh Takorik @ Musaheb @ Shekh Takorik Son of Abdulaish @ Shekh Abdulaish, R/o- Village Miyapur, P.S- Bairiya , Dist- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate.

For the Opposite Party/s : Mr. Nirmala Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 03-07-2024 Learned counsel for the petitioners submits that petitioner no.1 has already been arrested, therefore, this application become infructuous and accordingly he may be permitted to withdraw this application on behalf of petitioner no.1.

2. Permission granted.

3. Accordingly, the present Cr. Misc. Application stands dismissed as having become infructuous on behalf of petitioner no.1.

4. Heard learned counsel for the petitioner no.2 and learned A.P.P. for the State.

5. The petitioner no.2 apprehends his arrest in



connection with Bairiya P.S. Case No.344 of 2023 instituted under Sections 341, 323, 307, 379, 504, 34 of the Indian Penal Code.

6. As per the prosecution case, the informant had alleged that he and his nephew went for cutting the crop, in the meantime all the named accused persons came who were lashed with dangerous weapons due to previous enmity started abusing the informant, when he resisted then they assaulted him and snatched Rs.6,000/- from his pocket.

7. Learned counsel for the petitioner no.2 submits that petitioner no.2 is innocent and has been falsely implicated in this case. He further submits that there is case and counter case between the parties and both the parties are agnates. He also submits that there is delay of 13 days in filing the F.I.R. without any plausible explanation. Learned counsel submits that the injury on the body of informant is simple in nature. He further submits that petitioner no.2 has no criminal antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

7. Considering 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 petitioner no.2 be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No.344 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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