

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44238 of 2024

Arising Out of PS. Case No.-416 Year-2023 Thana- KESARIA District- East Champaran

1. MD. ISTEYAQUE @ MD ISHTEYAQUE ALAM S/O LATE ABDUL R/O VILLAGE- BAITIYA, P.S.- KESARIYA, DISTT.- EAST CHAMPARAN.
2. MD. IFTEKHAR @ IFTEKHAR AHMAD S/O LATE ABDUL R/O VILLAGE- BAITIYA, P.S.- KESARIYA, DISTT.- EAST CHAMPARAN.
3. RASID LATIF @ RASID NAZ S/O MOGLISH AHMAD R/O VILLAGE- BAITIYA, P.S.- KESARIYA, DISTT.- EAST CHAMPARAN.
4. MD. EKRAM @ EKRAM ALAM S/O SEIKH FAIYAZ @ MUNNA R/O VILLAGE- BAITIYA, P.S.- KESARIYA, DISTT.- EAST CHAMPARAN.
5. MD. MOHIBULLAH @ MUNNA S/O LATE SEIKH SHARIF R/O VILLAGE- BAITIYA, P.S.- KESARIYA, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 342, 323, 354, 379, 427, 307, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, when the informant was sitting at her door and her son Md. Bismillah was running airtel payment bank from the shop, in the meantime, the



petitioner and the co-accused persons holding weapons came there and started abusing him. After hearing the noise, the informant's husband came there then and the co-accused, Md. Imran inflicted blow on his head with a sword causing injury to him and he fell down and became senseless. Thereafter, the informant tried to rescue her husband then the co-accused, Md. Habibullah@ Munna slammed her down on the ground and the petitioner, Md. Istiyaq took Rs. 30,000/- from the counter and the co-accused, Mintu Das and Majid damaged the laptop and the printer in the shop. The co-accused persons, Lakshman Das, Md. Kallibullah, Md. Sahid @ Nehal committed loot of articles of the shop worth of Rs. 15,000/-. The co-accused, Md. Ajaj and Md. Itekar also tore the blouse of the informant. It is further alleged that they also threatened to kidnap and kill the son of the informant.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is a case and counter case between the parties. The occurrence took place on 14.08.2023 but the FIR was lodged on 17.08.2023 and there is no explanation for this delay. As per the injury report of the injured, the injuries are simple in nature. The petitioners have no concern with the



alleged occurrence. The co-accused has been granted regular bail by this Court vide order dated 25.06.2024 in Cr. Misc. No. 42425 of 2024. The petitioner no.1 has three criminal antecedents, the petitioner no.2 has seven criminal antecedents, the petitioner no.3 has 10 criminal antecedents, the petitioner no.4 has six criminal antecedents and the petitioner no.5 has eleven criminal antecedents as stated in para-2 of the supplementary affidavit filed on behalf of the petitioners.

5. Learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Motihari, East Champaran in connection with Kesariya P.S. Case No. 416 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i) The petitioners are directed to remain physically



present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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