

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52498 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- BUDHUCHAK District- Bhagalpur

Md. Kasif @ Md. Sajjad @ Md. Barid Hassan, Male, aged about 27 years,
son of Nijam @ Md Alim Uddin, resident of Village- Ekdara, PS- Budhuchak,
District -Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Budhuchak PS Case No.38 of 2023 dated 21.05.2023, instituted
under Sections 341, 323, 353, 504, 506 of the Indian Penal
Code.

3. The prosecution case, in short, is that on
21.05.2023, the informant, who is a police official, conducted
raid in connection with Budhuchak PS Case No.37 of 2023. In
the said raiding team, *Chaukidar*, Shankar Paswan, was also a
member to assist the raiding team in identifying the accused
persons of that case. After the raid, it is alleged that the
Chaukidar and his son came to police station and informed that



the petitioner and other accused persons came and assaulted him because he had helped the raiding team to identify the accused persons. It is further alleged that the petitioner as well as other accused persons threatened the *Chaukidar* not to get the persons identified and indicate their houses.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Only general and omnibus allegation has been levelled against the petitioner. It is also submitted that while the police was conducting raid, the petitioner was going to market and in the meantime, a dispute arose between some persons. The local *chaukidar* named the petitioner due to previous enmity. Learned counsel for the petitioner further submitted that similarly situated co-accused, Md. Lalu has been granted bail by this Court vide order dated 20.09.2023 passed in Cr. Misc. No.58767 of 2023. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

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 petitioner be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bhagalpur, in Budhuchak PS Case No.38 of 2023, 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)

J. Alam/-

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