

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71331 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Md. Hasan Iqbal @ Sultan @ Hasan Iqbal S/o Late Naimuddin R/o vill- Paharpur, ward no. 1, P.s. - Simri Bakhtiyarpur, Distt. - Saharsa
 2. Hussain Ahmad @ Husain s/o Late Naimuddin R/o vill- Paharpur, ward no. 1, P.s. - Simri Bakhtiyarpur, Distt. - Saharsa
 3. Md. Ejaz Alam @ Md. Ejaj Alam S/o Late Meraj Alam R/o vill- Paharpur, ward no. 1, P.s. - Simri Bakhtiyarpur, Distt. - Saharsa
 4. Tanvira Khatoon @ Tarannum Khatoon W/o Sabir Ali @ Md. Sabir Ali R/o vill- Paharpur, ward no. 1, P.s. - Simri Bakhtiyarpur, Distt. - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate Mr. Manoj Kumar, Advocate
For the State	:	Mr. Satyendra Prasad, APP
For the Informant	:	Mr. Rishit Deo Kr. Singh, Advocate Mr. Binod Murari Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-10-2024 Heard Ld. counsel for the petitioners, Ld. APP for the
State and learned counsel for the Informant.

2. The present petition has been filed on behalf of the
Petitioners, apprehending their arrest, in connection with Simri
Bakhtiyarpur PS. Case No.-167 of 2024, dated 13.04.2024
registered for the offences punishable under Sections 341, 323,
324, 325, 326, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per allegation, the Petitioners have assaulted and



the case has been registered under Sections 341, 323, 324, 325, 326, 307, 379, 504, 506/34 of the Indian Penal Code.

4. Ld. counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this case. He further submits that there is case and counter case and the case filed by the Petitioners is prior to the present one and the case is also registered for the offence punishable under Section 307 and other Sections of the Indian Penal Code. Hence, the Petitioners may be granted bail. They would also not oppose the anticipatory bail petitions of the Informant side if they move their petitions in Simri Bakhtiyarpur P.S. Case No. 174 of 2024.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner nos. 2 to 4 have no criminal antecedents whereas the Petitioner no.1 has been made accused in three other cases.

7. Ld. Counsel for the Informant as well as learned APP for the State vehemently opposes the prayer of the Petitioners for bail submitting that the alleged offence is serious



in nature.

8. Considering the case and counter case, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur PS. Case No.-167 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

9. It is also noted that the Petitioners have undertaken



not to oppose the bail petitions of the Informant side, if they move their bail petitions in Simri Bakhtiyarpur Police Station Case No. 174 of 2024 which is a counter case lodged by the Petitioners’ side against the informant’s side.

(Jitendra Kumar, J.)

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