

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69053 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- CHHATAPUR District- Supaul

Md. Sohrab Alam @ Md. Sohrab, aged about 30 years (M), Son of Md. Azizur Rahman, R/o - Indarpur, Ward No. 12, P.S. - Chhatapur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Patla Kumari, Advocate

For the Opposite Party : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 26-02-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chhatapur P.S. Case No. 70 of 2023 dated 09.03.2023 registered for the offences punishable under Sections 341, 323, 324, 325, 354, 308(deleted), 379, 504, 506/34 of the I.P.C. Later on, Section 307 of the I.P.C. was also added.

3. As per the prosecution case, on 07.03.2013 at about 10.30 A.M., while the informant was sitting at his door, in the meantime, the petitioner and the two other co-accused persons being armed with deadly weapons came



there and started uprooting the bamboo pole behind his house and when the informant's son Md. Faruque objected them, the co-accused Md. Arif started abusing him and ordered to kill him, upon which, the petitioner assaulted on his neck by means of iron-rod, due to which, he became unconscious and fell down on the ground. It is further alleged that when the informant's daughter-in-law came to rescue him, then the co-accused Habibur Rahman caught her by means of iron-rod with bad intention and tore her clothes and disrobed her and started molesting her and on protest, the aforesaid co-accused Habibur Rahman assaulted on her head by means of sword. It is further alleged that when the grand-son of the informant came to rescue her, the co-accused Atik assaulted on his head by means of farsa. It is further alleged that during course of assault, six other co-accused persons being armed with weapons also came there and started assaulting the informant party and the co-accused Md. Arif snatched silver chain from the neck of the daughter-in-law of the informant and also snatched Rs. 75,000/- from the pocket of the informant's son.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the injured Faruque was examined by the doctor and the doctor has found the injury simple in nature which is not on vital party of the body, annexed as Annexure-P/2 to the supplementary affidavit filed on behalf of the petitioner. The alleged occurrence took place on 07.03.2023 and the F.I.R. was lodged on 09.03.2023 for which no explanation has been given by the prosecution. There is general and omnibus allegation against the petitioner and there is no specific overt act alleged against the petitioner. It is further submitted that the other co-accused persons have already been granted anticipatory bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 66950 of 2023 under order dated 01.11.2023. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six



weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Supaul, in connection with Chhatapur P.S. Case No. 70 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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