

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78014 of 2023

Arising Out of PS. Case No.-167 Year-2022 Thana- AMDABAD District- Katihar

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1. JAHANGIR S/O LATE NAWAB ARFIN @ NAWAB MAFFIN VILLAGE-ENGLISH DAKRA, PS. AMDABAD, DIST. KATIHAR.
 2. RINKU S/O LATE NAWAB ARFIN @ NAWAB MAFFIN VILLAGE-ENGLISH DAKRA, PS. AMDABAD, DIST. KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Najmul Hoda, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-03-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Amdabad P.S. Case No. 167 of 2022 for the offence registered under sections 323, 341, 324, 379, 504, 506, 307 and 34 of the Indian Penal Code lodged on 01.08.2022 by the informant, Hasen Alam.

3. As per the prosecution story, the allegation is that when a '*panchayati*' was going on, certain dispute took place whereafter the accused persons, abused, assaulted, causing injuries. They also took away Rs. 4,500/- from the pocket of the informant. Accordingly, the FIR.



4. Learned Counsel for the petitioners submit that no such incident took place rather on the basis of false Medical Certificate granted by Dr. Shiv Kumar Singh, the allegations cropped up against the accused persons including the petitioners herein.

5. A complaint was made to the District Magistrate and upon show-cause, Dr. Shiv Kumar Singh submitted his written apology stating that he has to make false Medical Report due to threat made by the informant's side. The second Medical Board was instituted and found the injuries to be simple in nature.

6. Considering all these facts, a co-ordinate bench in Cr. Misc. No. 172 of 2023 granted bail to some of the accused persons, this Court also follows the same line.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Judicial Magistrate 1st Class, Katihar in connection with Amdabad P.S. Case No. 167 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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