

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85586 of 2023

Arising Out of PS. Case No.-145 Year-2023 Thana- PRANPUR District- Katihar

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1. Afaque @ Sekh Afaque @ Md. Afaque S/O Md. Islam R/O Village- Dhabaul, P.S- Parnpur, Distt.- Katihar.
 2. Md. Rafique @ Sekh Rafique S/O Md. Islam R/O Village- Dhabaul, P.S- Parnpur, Distt.- Katihar.
 3. Mahboob @ Sekha Mahboob S/O Md. Islam R/O Village- Dhabaul, P.S- Parnpur, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 326, 307, 427, 379, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners along with other co-accused persons are said to have assaulted the son of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is land dispute between the parties and due to land dispute both parties assaulted each others. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioner no. 2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Pranpur P.S. Case No. 145 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Considering the facts and circumstances of case and the fact that the petitioners no. 1 and 3 are said to have assaulted the son of the informant and the injury was found grievous in nature, I am not inclined to enlarge petitioners no.1



and 3 on anticipatory bail. The prayer for anticipatory bail of the petitioners no. 1 and 3 is hereby rejected.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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