

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86421 of 2023

Arising Out of PS. Case No.-167 Year-2018 Thana- KAMTAUL District- Darbhanga

1. MD. SAMIUR RAHMAN @ SAMIUR RAHMAN S/O LATE ABUL HASAN R/O VILLAGE- BHALPATTI, P.S- KAMTAUL, DISTT.- DARBHANGA.
2. MD. ZIAUR RAHMAN @ ZIAUR RAHMAN S/O LATE MOTI RAHMAN @ MOTIUR RAHMAN R/O VILLAGE- BHALPATTI, P.S- KAMTAUL, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kamtaul P.S. Case No. 167 of 2018 for the offence registered under sections 341, 323, 504, 506, 384, 386, 379, 427 and 34 of the Indian Penal Code lodged on 12.06.2018 by the informant, Md. Motiur Rahman.

3. As per the prosecution story, the informant alleged that he tried to construct his house, the accused persons having criminal background demanded money. At one point of time, even payments were made but despite that since construction work could not take place, the FIR.

4. Learned Counsel for the petitioners submit that the



police had investigated the matter, found the same to be case of land dispute and accordingly submitted final form, the learned Magistrate differed and cognizance has been taken necessitating this petition.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the accused tried to obstruct the construction by the informant.

6. Considering the submissions put forward by the parties as also that none of them have criminal antecedent as stated in paragraph, the petitioners are aged persons, the petitioner no. 1 being 70 years old, cognizance has been taken and will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

7. If however, it is found that the petitioners have criminal antecedent, the bail order shall become infructuous.

8. Let the petitioners 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 J.M. 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 435 of 2019 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 petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners 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 their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

9. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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