

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5115 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Md. Naim Bhat @ Md. Naim @ Naim Bhat S/O LATE SAFID BHAT @ MD. RAFIK R/O VILLAGE- ANDAULI WARD NO. 2, P.O. SAMDA ANDAULI PS. SAUR BAZAR, DIST. SAHARSA.
2. AFSANA KHATUN W/O MD. JAMIL R/O VILLAGE- ANDAULI WARD NO. 2, P.O. SAMDA ANDAULI PS. SAUR BAZAR, DIST. SAHARSA.
3. MD. KABUL S/O MD. NAIM BHAT @ MD. NAIM @ NAIM BHAT R/O VILLAGE- ANDAULI WARD NO. 2, P.O. SAMDA ANDAULI PS. SAUR BAZAR, DIST. SAHARSA.
4. MOMINA KHATUN @ MONINA KHATOON D/O MD. NAIM @ MD. NAIM @ NAIM BHAT, W/O MD. AKRAMUL R/O VILLAGE- ANDAULI WARD NO. 2, P.O. SAMDA ANDAULI PS. SAUR BAZAR, DIST. SAHARSA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Saur Bazar P.S. Case No. 371 of 2023 for the offence under Sections 341, 323, 307, 379, 504, 506 and 34 of the I.P.C. lodged on 06.07.2023, by the informant, Ravindra Tanti.

3. As per the prosecution story, the informant has alleged that while he was doing work at his home, the



accused persons came and demanded extortion on the ground that one of their family members is a ward member. Upon protest, on the order of Md. Naim (petitioner No. 1), they assaulted the informant causing injury on the head as his wife came to the rescue she was also assaulted, further allegation is of removal of Rs. 65,000/- worth of ornament and Rs. 25,000/- cash. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that a bare perusal of the FIR would show that the occurrence is of 19.06.2023, while the FIR has been lodged on 06.07.2023. No reason for the said delay has been stated. Further the allegations are omnibus in nature and none of them have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as also that fact that the allegations are omnibus in nature and petitioners do not have any criminal antecedent, some of them are ladies, this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four



weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, Saharsa in connection with Saur Bazar P.S. Case No. 371 of 2023 subject to the conditions 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 the 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.

8. With the aforesaid observations, the anticipatory



bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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