

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9510 of 2024

Arising Out of PS. Case No.-1749 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Md Hifzur Rahman S/o Faijur Rahman Vill. and Post- Simariya, P.S-Kajraili, Dist.- Bhagalpur
 2. Md. Shoyeb @ Md. Shoyeb Ahmad S/o Md. Rakib Vill., Post- Simariya, P.S-Kajraili, Dist.- Bhagalpur
 3. Md. Imdadullah S/o Md. Shamin Vill., Post- Simariya, P.S-Kajraili, Dist.- Bhagalpur
 4. Md. Enayatullah S/o Md. Shamin Vill., Post- Simariya, P.S-Kajraili, Dist.- Bhagalpur
 5. Md. Shakil Sah @ Sakil Sah S/o Md. Late Md. Abul Shah Vill., Post- Simariya, P.S-Kajraili, Dist.- Bhagalpur
 6. Md. Akbar S/o Md. Anish Vill., Post- Simariya, P.S-Kajraili, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Vill.,Post- Simariya, P.S-Kajraili, Dist.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjum Perveen, Advocate
For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners and learned
APP for the State as also learned counsel for the complainant.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 1749 of 2022 registered under Sections 380, 325 and 386/34 of the Indian Penal Code lodged on 17.12.2022 by the complainant, Haider Imam.

3. As per the complaint, the complainant alleged that in a conspiracy, the complainant was locked up in the 'hazat' of



Jagdishpur police station remained in detention for long and was tortured. Further, they were made to sign documents. Allegation is that the accused persons forcibly took away the wooden logs and were selling it. Accordingly, complaint against Shoib & other accuseds.

4. Learned counsel for the petitioners submit that the occurrence is of 17.08.2022 whereas the complaint was lodged on 20.09.2022 and such inordinate delay has not been explained. Further submission is that one of the witness, Md. Haider Imam himself in course of enquiry, submitted that he has purchased the woods from the complainant. The last submission is that none of the petitioners have criminal antecedent.

5. Learned counsel for the complainant opposes the prayer stating that he was illegally put under detention in the 'hazat' of the Jagdishpur (Bypass) police station for almost 12 hours and was forced to sign documents. To a query by the Court, whether the police personnel belonging to the said police station were made accused or not, the answer is in negative.

6. Considering the submissions put forward by the parties, the complaint has been filed, cognizance taken, they will be facing the trial, do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.



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 Judicial Magistrate, 1st Class, Bhagalpur in connection with Complaint Case No. 1749 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/her *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/her 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 his 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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