

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4323 of 2024

Arising Out of PS. Case No.-142 Year-2023 Thana- ABADPUR District- Katihar

1. MD. HASIMUL HAQUE S/O LATE SIDDIQUE R/O VILLAGE- SOHAR, P.S- ABADPUR, DISTT.- KATIHAR.
2. AKRAM S/O LATE SIDDIQUE R/O VILLAGE- SOHAR, P.S- ABADPUR, DISTT.- KATIHAR.
3. NAZIM S/O LATE SIDDIQUE R/O VILLAGE- SOHAR, P.S- ABADPUR, DISTT.- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Abadpur P.S. Case No.142/2023, dated 16.09.2023 registered for the offence punishable under Sections 341, 323, 324, 379, 307, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and informant is own Bhabhi of the petitioners and on account of dispute relating to property, the present false case came to be instituted. It is next submitted that the informant alleges that petitioner no.1 and



petitioner no.2 assaulted by sword and *hasua* causing injury on the head of the informant while petitioner no.3 along with Sajjan assaulted by an iron rod and rest of the accused persons disrobed her and also snatched the articles as detailed in the F.I.R. The learned counsel next submits that petitioners have been falsely implicated in the present case. It is next submitted that the date of occurrence is 14.09.2023 while the F.I.R. came to be instituted on 16.09.2023 and the police accordingly sent the injured to the doctor for examination and from perusal of the injury report of the injured, it would manifest that the same is dated 15.09.2023, which amply demonstrates that the same is manipulated. It is also submitted that the informant herself alleged that on 14.09.2023 she had gone to the hospital for treatment but then no FIR on the said date came to be instituted rather the F.I.R. came to be instituted two days after the occurrence.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that no doubt the submissions made by the learned counsel for the petitioner appears to be attractive but then the injury suffered by the injured is grievous in nature. At this stage, the learned counsel for the petitioners submits that the petitioners will not abscond



rather will co-operate in the investigation to establish their innocence.

5. Considering the submissions made by the learned counsel for the petitioners and the fact that the petitioners are persons with clean antecedent, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Katihar in connection with Abadpur P.S. Case No.142/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioners despite giving assurance to this court are not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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