

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3020 of 2024

Arising Out of PS. Case No.-49 Year-2023 Thana- KADWA District- Katihar

Sahim @ Sahim Akhtar S/O GULAM RABBANI Resident of Village-
Raniganj, P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 16-04-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Kadwa P.S. Case No. 49 of 2023 for the offence registered under sections 147, 148, 149, 323, 341, 379, 307, 504 and 506 of the Indian Penal Code lodged on 08.03.2023 by the informant Salim Javed.

3. As per the prosecution story, the informant alleged that the accused persons armed variously came and started abusing. Upon protest, allegation against Gulam Rabbani and Abdul Jalil is of assaulting the father and uncle of the informant. Further, omnibus allegation is against the petitioner that he also alongwith other accused persons gave *lathi* blows. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that a bare perusal of the F.I.R. would show that the main allegation is against Gulam Rabbani and Abdul Jalil of using *farsa* to assault



the father and uncle of the informant, causing injuries. So far as this petitioner is concerned, omnibus allegation is that he alongwith Mushtaaq and Shaheed also gave *lathi* blow, the same has been exaggerated to implead all the family members, he is a student, only 20 years of age and only because he is son of Gulam Rabbani, implicated.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation against him of assaulting the informant's father and uncle is/are there.

6. Having heard the rival submissions, petitioner is a young boy, the main allegation is against Gulam Rabbani and Abdul Jalil, he do not have criminal antecedent, putting him in jail will serve no purpose, this Court is inclined to extend 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 C.J.M., Katihar in connection with Kadwa P.S. Case No. 49 of 2023 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 *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 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 the 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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