

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54499 of 2018

Arising Out of PS. Case No.-111 Year-2018 Thana- KHODAWANDPUR District- Begusarai

1. Md. Sahid @ Md. Sahid Anwar, S/o Late Wajid Ali, @ Late Waj Ali @ Late Md. Wajid,
2. Md. Mojahid @ Mojahid S/o Late Wajid Ali @ Late Waj Ali @ Late Md. Wajid,
3. Md. Jahid S/o Late Wajid Ali @ Late Waj Ali @ Late Md. Wajid,
4. Md. Raja Babu @ Md. Raja @ Raja S/o Md. Sahid,
5. Md. Fayyaz @ Md. Fayyaz Alam S/o Md. Jahid , All residents of Vill.- Aijni, P.S.- Khodawandpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sandip Kumar Gautam
For the Opposite Party/s :	Mr. Sri Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-10-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 2 as he has been taken judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 2.

Heard learned counsel for the petitioners and learned APP for the State. A supplementary affidavit has been filed on behalf of the petitioners which is kept on record.

The petitioners are apprehending their arrest in a case registered under Sections 447, 448, 341, 323, 324, 307, 379 and



34 of the Indian Penal Code.

The prosecution case, in short, is that due to old enmity the accused persons entered into the house of the informant and assaulted them.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. There is a case and counter case between the parties. The nature of injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 3, 4 and 5, above named, in the event of arrest/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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Manjhaul, Begusarai in connection with Khodawandpur P.S. Case No. 111 of 2018, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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