

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5286 of 2019

Arising Out of PS. Case No.-196 Year-2018 Thana- DAGARUA District- Purnia

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1. MD. Belal @ Master Belal, (Male) aged about 33 years, son of Shahabuddin.
 2. Md. Wasim Akhtar @ Md. Wasim (Male), aged about 57 years, son of Md. Idris.
- Both resident of Gerki, P.S.- Dagarua, District- Purnia.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shabbir Ahmad

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to
insert one of the provisions of Section 307 of the Indian Penal
Code in paragraph-1 of the application.

The petitioners, in the present case, are seeking
anticipatory bail in connection with Dagarua P.S. Case No.
196/2018 registered for the offence under Sections 147, 148,
149, 323, 379, 307 and 504/34 of the Indian Penal Code
pending in the court of learned Chief Judicial Magistrate,
Purnea.

Learned counsel for the petitioner submits that
petitioners and the informant are neighbours and there is case



and counter case giving two different version of the occurrence. Learned counsel further submits that the whole allegations are false and concocted as no such injuries have been caused to the informant and his father.

On the other hand, learned counsel representing the informant submits that both these petitioners had committed assault by deadly weapon on the head of the informant and his father which caused injury on the vital part of the body.

It is further pointed out that in the impugned order, learned Sessions Judge has taken note of the fact appearing in the case diary wherein he found that the treatment of one of the injured namely, Sk. Fazlu Rahman is going on in PMCH, Patna.

Although it is the contention of learned counsel for the petitioners that till date there is no injury report in the case diary, learned counsel for the informant submits there are injury report showing grievous injury to both the informant and his father.

In the given facts and circumstances of the case, this court is not willing to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the



petitioners is refused.

In case, the petitioners surrender and pray for regular bail in the court below, the same shall be considered by the court below keeping in mind the materials which will be available on the record without being prejudiced by the order rejecting this application.

(Rajeev Ranjan Prasad, J)

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