

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16660 of 2019**

Arising Out of PS. Case No.-265 Year-2015 Thana- RANIGANJ District- Araria

1. Azimuddin @ Md. Azimuddin, aged about 35 years, Male, Son of Md. Islam Resident of Village- Bhita, P.S.- Raniganj, District- Araria.
2. Saddam Hussain @ Md. Saddam, aged about 30 years, Male, Son of Md. Islam Resident of Village- Bhita, P.S.- Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ramesh Kumar Singh  
For the Opposite Party/s : Mr.Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      26-03-2019                      Heard learned counsel for the petitioners and learned  
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Raniganj P.S. Case No. 265 of 2015 dated 08.12.2015 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the First Information Report the allegation against petitioner no.1 is that he had given a 'Bhala' blow which hit the left hand of the informant, whereas, the petitioner no.2 had given repeated blow of 'Farsa' firstly on the head of the informant and then on the back of the informant causing injuries. It is further submitted



that police had investigated the case, simple injuries were noticed and then these petitioners had appeared in course of investigation. It is submitted that, at this stage, the learned Judicial Magistrate has differed with the police report and has taken cognizance under Section 307 Cr.P.C.

Learned APP has opposed the prayer for anticipatory bail, as according to him, in this case the petitioner no.1 had also used a deadly weapon causing injury upon the informant and petitioner no.2 had repeatedly used 'Farsa' causing injury.

Considering the facts and circumstances of the case, wherein it appears that there are allegations of causing injuries against both the petitioners, particularly, petitioner no.2 who has used 'Farsa' causing head injury to the informant, I am not inclined to grant the privilege of anticipatory bail to petitioner no.2. His prayer for anticipatory bail is rejected.

In case the petitioner no.2 surrender and pray for regular bail in the learned Court below within a period of four weeks from today, his prayer for regular bail shall be considered on the basis of the materials available on the record and rejection of the anticipatory bail by this Court shall not cause any prejudice in the mind of the learned Court below. Taking into consideration, inter-alia, the submissions of the petitioner



that the injuries on the body of the informant were found to be simple in nature.

So far as, petitioner no.1 is concerned, according to the F.I.R. he had given a 'Bhala' blow which hit the hand of the informant, there is no allegation of repeated assault and hence in case of his arrest or surrender within a period of four weeks from today, petitioner no.1 is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Araria in connection with Raniganj P.S. Case No. 265 of 2015, subject to the condition that petitioner no.1 shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

**(Rajeev Ranjan Prasad, J)**

R.R.Ojha/-

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