

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52597 of 2019

Arising Out of PS. Case No.-46 Year-2019 Thana- SONBERSA District- Saharsa

1. Md. Naushad Alam, Son of Md. Aijub R/o - Sonbarsa Raj, Chhoti Masjid Tola, Ward No. 2, P.S.- Sonbarsa Raj, District- Saharsa.
2. Md. Juber Alam, Son of Md. Idrish Hussain @ Md. Edo R/o - Sonbarsa Raj, Chhoti Masjid Tola, Ward No. 2, P.S.- Sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Sonbarsa Raj P.S. Case No.46 of 2019 for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 427, 447, 379, 504 and 506 of the Indian Penal Code.

The allegation against the petitioners is that petitioner No.1 has assaulted the informant by means of knife on his head and there is general and omnibus allegation against the petitioner No.2 that he along with other accused persons armed with lathi, danda and other weapon assaulted the informant and his brother.



Learned counsel appearing for the petitioners submits that both the parties reside in the same locality. Learned counsel further submits that there was dispute on trivial issue between the parties relating to purchase of five bottles of cold drink from the shop of the informant. Learned counsel further submits that the injuries caused to the informant as well as his brother are minor in nature, which would be evident from Annexure-2 series which are injury report of informant and his brother.

On the other hand, learned counsel appearing for the informant vehemently opposes the prayer for bail and submits that there is direct allegation against petitioner No.1 of assault by means of knife which is serious in nature and the petitioners do not deserve the privilege of anticipatory bail.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are residing in the same locality and there was dispute on trivial issue and further the injuries caused to the informant and his brother are simple in nature, as such, I am inclined to grant anticipatory bail to all the petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a



period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Judicial Magistrate Ist Class, Saharsa, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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