

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58220 of 2019

Arising Out of PS. Case No.-156 Year-2019 Thana- AAJAM NAGAR District- Katihar

1. NASRUL, aged about 40 years, Gender-male, Son of Suleman,
 2. Ahad @ Abdul Ahad, aged about 36 years, Gender-male, Son of Suleman,
 3. Aziz @ Ajim, aged about 30 years, Gender-male, Son of Suleman,
 4. Matru @ Md. Batru Alam, aged about 25 years, Gender-male, Son of Suleman,
- All are Resident of Village - Siktia Bairiya, P.S.- Azamnagar, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir, Adv.
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147/149/341/323/307/379/504/506 of the Indian Penal Code.

Prosecution case in brief is that on 18.06.2019 all the petitioners came to informant, abused and assaulted him, while his nephew Mamun Rashid came to same him, then the petitioner Nasrul caught hold and petitioner Ahad assaulted him by sword, due to which he sustained injury. It has been alleged that in course of occurrence petitioners Azim and Matru



assaulted to son of informant Rajid on his head by iron rod, and during occurrence petitioner snatched away Rs.5000/- from the pocket of Mamun Rashid and also took out Rs. 5000/- from the pocket of informant.

Learned counsel for the petitioner submits that there is the case and counter case which is admitted by informant in written petition and there is land dispute between the parties.

Learned counsel for the petitioners further submits that there is no specific allegation against the petitioner nos. 1, 3 and 4 and the injury is also simple by them. There is general and omnibus allegation them. But, there is specific allegation of assault against the petitioner no. 2 and injury grievous in nature.

In the aforesaid facts and circumstances of the case, let the petitioner nos. 1, 3 and 4, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Katihar, District-Katihar, in connection with Azamnagar P.S. Case No. 156 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.



However, there is specific allegation against the petitioner no. 2, therefore, I am not inclined to grant anticipatory bail to the petitioner no.2. Anticipatory bail application of the petitioner no. 2 is dismissed.

(Anjani Kumar Sharan, J)

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