

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69276 of 2019

Arising Out of PS. Case No.-163 Year-2019 Thana- MANJHAGARH District- Gopalganj

1. Faiz Mohammad @ Faiz Mamad Son of Ejajul Haq
2. Eliyas Ahmad @ Iliyas Ahmad Son of Belal Ahmad
Both residents of Village-Lohjira, P.S-Manjhagarh, District-Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shyam Kumar Singh, A.P.P.

Mr. Umesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-11-2019 At the very outset, learned counsel for the petitioners submits that since the petitioner no.1 was arrested during pendency of the application, the application for anticipatory bail in respect of petitioner no.1 was dismissed by earlier order dated 07.11.2019, as the same had become infructuous.

Heard learned counsel for the petitioners, learned Addl. Public Prosecutor for the State as well as learned counsel for the informant.

The petitioner no.2 is apprehending his arrest in connection with Manjhagarh P.S. Case No.163 of 2019 registered for the offence under Sections 341/323/307/379/504/506/34 of the Indian Penal Code.

Prosecution case is that on 25.06.2019 at about 7.30



P.M. while the informant was taking dinner after switching off street light, all accused persons along with 5-6 unknown persons, armed with knife, Dab, Lathi and Danda, came there abused that as to why he switched off street light, which led to an altercation, upon which on the order of accused Belal Ahmad, petitioner no.2 gave repeated blow Chaku on the head of the informant and thereafter all other accused persons assaulted the father and mother and thereafter accused Belal Assaulted the informant with lathi and snatched Rs.5000/- from the pocket of the informant. Thereafter, all injured were brought to Hospital for their treatment.

Learned counsel for the petitioners submits that both parties are neighbours. He submits that similarly situated accused persons have been granted privilege of anticipatory bail by the court below. He further submits that the injury report does not corroborate the prosecution version as neither the informant nor his family member received any injury caused by sharp cutting weapon. He further submits that the injury, as has been alleged, are simple in nature. Petitioners have no criminal antecedent.

Learned Addl.Public Prosecutor has opposed the prayer for anticipatory bail of the petitioners.



Considering the facts and circumstances of the case, let petitioner no.2, above named, in the event of his arrest or surrender within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Manjhagarh P.S. Case No.163 of 2019, subject to conditions as laid down under Section 438(2) Cr.P.C.

(Anjani Kumar Sharan, J.)

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