

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70562 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- DANDARI District- Begusarai

1. MD. ZOBAIR @ MD. ZUBAIR @ MD. JUBAIR Son of Md. Latif Resident of Village-Mohiuddinpur, Shishouni, P.S-Dandari, District-Begusarai.
2. Md. Soaib @ Manjoor @ Md. Sohaib @ Manjoor Alam Son of Md. Latif Resident of Village-Mohiuddinpur, Shishouni, P.S-Dandari, District-Begusarai.
3. Md. Mehraj @ Meraj @ Md. Meraj @ Md. Maraj Son of Md. Kuddus Resident of Village-Mohiuddinpur, Shishouni, P.S-Dandari, District-Begusarai.
4. Md. Osama Son of Md. Kuddus Resident of Village-Mohiuddinpur, Shishouni, P.S-Dandari, District-Begusarai.
5. Md. Ibrar Son of Md. Faiyaz Resident of Village-Barahi, P.S-Bithan, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-11-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Dandari P.S. Case N0. 94 of 2019, disclosing offences under Sections 341,323,354B,307,504,506/34 of the Indian Penal Code.

There are six persons named in the First Information Report, who are said to have assaulted the informant and his daughter.



Learned counsel appearing on behalf of the petitioners appears to be correct in his submission that no offence under Section 354B of the Indian Penal Code can be said to be made out on the basis of what has been alleged in the FIR. It has been argued that there is no allegation of any assault against petitioner No.2 and the injuries said to have caused by petitioner Nos. 1, 3 and 4 have been found to be simple in nature. Similarly, allegation against petitioner No.5 is of having assaulted the informant with *lathi* in his shoulder. It is evident from the FIR itself that dispute between the parties over passage is the reason behind the alleged occurrence.

Considering the genesis of occurrence and the nature of accusation, this application is allowed.

Let the petitioners above named in the event of their arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand)each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in Dandari P.S. Case No. 94 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall



present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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