

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5897 of 2020**

Arising Out of PS. Case No.-159 Year-2019 Thana- ABADPUR District- Katihar

1. MD. MALEK @ MALEK S/o Late Aulad Hussain R/o Sirajmani, P.S.- Abadpur, Distt- Katihar
2. Abu Taleb Son of Late Aulad Hussain R/o Sirajmani, P.S.- Abadpur, Distt- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 31-08-2020 Heard learned counsel for the petitioners and Mr. Aditya Narayan Singh-1, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Abadpur P.S. Case No.159/2019 registered for the offences punishable under Sections 341, 323, 354(b), 307, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that both the parties are co-sharers and it would appear from the materials on the record that both the parties had indulged in the scuffle. There is a case and counter case and further that wife of petitioner no.1 Anwari Khatoon has lodged counter case being Abadpur P.S. Case No.161 of 2019. She had also received direct assault on the middle of her head and in this regard the injury report is Annexure-4. It is submitted that



in the given facts and circumstances, the petitioners deserve privilege of anticipatory bail. They have otherwise no criminal antecedent.

Learned APP for the State submits that there are allegations against both the petitioners that they had assaulted Abu Sayeed who had received multiple injuries. In this connection attention of this Court has been drawn towards Annexure-2 to the present application. The injury no.2 of Abu Sayeed has been found grievous in nature. It is further submitted that so far as other persons are concerned, they have received simple injuries and the injury of wife of petitioner no.1 has also been found to be simple in nature.

Having regard to the facts and circumstances of the case as this Court has noticed that there are allegations against these petitioners of causing assault and Abu Sayeed who has received injuries and though injury nos. 1, 3 and 4 are found to be simple in nature, the injury no.2 has been found grievous, this Court is not inclined to grant privilege of anticipatory bail to the petitioners. The prayer is, thus, refused.

In case the petitioners surrender and pray for regular bail in the court below within four weeks from today, the court below shall consider their prayer for regular bail keeping in view the fact that there is a case and counter case and the wife of petitioner no.1 has also suffered injury, the parties are co-sharers and the petitioners have otherwise no criminal antecedent. The prayer for regular bail shall not be rejected in a routine manner only because this Court has



not granted them anticipatory bail.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

