

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8855 of 2020

Arising Out of PS. Case No.-753 Year-2019 Thana- FORBESGANJ District- Araria

1. MD. SAHWAZ Son of Late Jamil @ Md. Jamil Resident of Village - Bhag Kohaliya, Shahtola, Ward No.4, P.S.- Forbesganj, District- Araria
2. Shahnawaz @ Md. Shahnawaz Son of late Md. Jamil @ Jamil Resident of Village - Bhag Kohaliya, Shahtola, Ward No.4, P.S.- Forbesganj, District- Araria
3. Md. Khurshid @ Md. Mursid Son of Md. Hajrat Resident of Village - Bhag Kohaliya, Shahtola, Ward No.4, P.S.- Forbesganj, District- Araria
4. Muskan Khatoon @ Ayesa Khatoon Wife of Md. Khurshid @ Md. Mursid Resident of Village - Bhag Kohaliya, Shahtola, Ward No.4, P.S.- Forbesganj, District- Araria
5. Most. Samira Khatoon Wife of Late Jamil @ Md. Jamil Resident of Village - Bhag Kohaliya, Shahtola, Ward No.4, P.S.- Forbesganj, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 2 in order to enable him to surrender before the learned court below and obtain regular bail.

Accordingly, the present petition qua the petitioner no. 2 stands dismissed as withdrawn.

Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in



connection with Forbesganj P.S. Case No. 753 of 2019, registered for the offence punishable under Sections 341, 323, 307 and 379/34 of the Indian Penal Code.

The allegation is regarding some dispute having taken place on account of the son of the informant having been pushed by one of the accused persons whereafter the petitioner no. 2 is stated to have assaulted the informant with rod on his head and when the mother of the informant and his wife as also his sister came there, other accused persons are stated to have assaulted them.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they are having a clean antecedent and if at all, there is any allegation of any sort of overt act, it is against the petitioner no. 2, however, there is a general and omnibus allegation as against the other petitioners. Lastly, it is submitted that the impugned order dated 4.12.2019 would show that the case diary does not contain any injury report.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, I deem it fit and proper to admit the petitioner nos. 1 and 3 to 5 to the privilege of anticipatory bail.

Accordingly, the petitioner nos. 1 and 3 to 5 are directed



to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 753 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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