

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29262 of 2021

Arising Out of PS. Case No.-716 Year-2020 Thana- NAGAR District- Vaishali

1. MD. SHAHID @ MD. SHAHID ALAM Son of Md. Tarvej Alam Resident of Village - Karnpura, P.O. - Jadhua, P.S. - Ganga Bridge, Hazipur, District - Vaishali.
2. Md. Rahish @ Md. Rahish Alam Son of Tarvej Alam Resident of Village - Karnpura, P.O. - Jadhua, P.S. - Ganga Bridge, Hazipur, District - Vaishali.
3. Md. Tarvej Alam @ Tarbez Alam Son of Late Md. Jabar Resident of Village - Karnpura, P.O. - Jadhua, P.S. - Ganga Bridge, Hazipur, District - Vaishali.
4. Sanjida @ Sanjida Khatun Wife of Md. Tarvej Alam Resident of Village - Karnpura, P.O. - Jadhua, P.S. - Ganga Bridge, Hazipur, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Singh, Adv
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 25-10-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners submit that he does not intend to press this application with regard to petitioner no. 3, as during pendency of this application he has been arrested and this application with regard to his prayer for bail has become infructuous.

Learned counsel for the petitioners further submits that during pendency of this application petitioner no. 2 has already been granted bail by court below, so present application for grant of bail of petitioner no. 2 has become infructuous.

Petitioner no. 1 and 4 apprehend their arrest in a case registered for the offence punishable under Sections 448, 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

Informant in his written complaint has alleged that on 05.11.2020 at about 5:30 pm in the evening petitioner no.1 (Md. Shahid) slapped informant's grandson which was protested by Informant and thereafter FIR named accused variously armed with iron rod, sickle and other weapons along with two unknown persons came and it is further alleged that Md. Tarvej Alam assaulted informant on her head as a result of which she received head injury. It is further alleged that petitioner no. 2 Md. Rahish attacked Jawed Anwar son of Informant and in the meantime when the daughters of Informant Chandni Khatoon, Shaheen Khatoon and Neha Parveen came to save her then Sanjida Khatoon assaulted Chandni Khatoon with sickle on her head, Md. Rahish assaulted Shaheen Khatoon with sickle on her head and Md. Shahid and Md. Afaque assaulted Neha Parveen. It is further alleged that accused persons took some cash and other household articles.

Learned counsel for the petitioner nos. 1 and 4 submit that they are innocent and have been falsely implicated in this case due to land dispute. Both parties are agnates. The present

case is counter blast of Ganga Bridge P.S. Case No. 104 of 2020 instituted by petitioner no. 4 Sanjida Khatoon. The injuries sustained by the Informant's side is simple in nature. Petitioner nos. 1 and 4 have got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1 and 4 named above be released on anticipatory bail in the event of their arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Hazipur Town P.S. Case No. 716 of 2020**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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