

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39220 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- MAHINDWARA District- Sitamarhi

1. Md Salam @ Md Salam Hussain (Male), aged about 31 years, S/o Muzaffar Hussain, R/o village- Barheta, P.S.- Mahindwara, District- Sitamarhi.
2. Daud @ Md Dahur @ Md Dahur Quraishi (Male), aged about 43 years, S/o Md. Yahiya Quraishi, R/o village- Barheta, P.S.- Mahindwara, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party	:	Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-11-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

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

The petitioners are apprehending their arrest in connection with Mahindwara P.S. Case No. 58 of 2020 for the offence registered under Sections 147, 341, 323, 324, 325, 307, 379, 504 and 506/34 of the I.P.C.

The prosecution story, in brief, is that on 29.05.2020 in the morning, the informant's son, namely, Md. Sonu, was going to purchase goats then in the way, the petitioners



alongwith other two co-accused persons, assaulted him, broke his hand and committed loot-pat with him. On that information, the informant went there and sent his son to S.K.M.C.H. for treatment and came to his house. It is further alleged that at about 12 noon, all the six named accused persons including the petitioners came to his house armed with weapons. They started to abuse and assault him. The petitioner no. 1 Md. Salam assaulted him with knife aiming his neck but it hit near his eye. Co-accused Md. Ali snatched Rs. 1500/- from his pocket. All the accused persons assaulted him. The informant became unconscious and after regaining his consciousness, he found himself at S.K.M.C.H.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case due to previous enmity. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Sitamarhi, in connection with Mahindwara P.S. Case No. 58/2020, arising out of Digha P.S. Case No. 43 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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