

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6904 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- TARABARI District- Araria

1. MD. MATIN S/O MD. JALAL R/O VILLAGE- BATURBARI WARD NO.18, P.S.- TARABARI, DISTRICT- ARARIA.
2. MD. WASHIQUE @ WASHIQUE S/O MD. SAGIR R/O VILLAGE- BATURBARI WARD NO.18, P.S.- TARABARI, DISTRICT- ARARIA.
3. MD. TAYEEN @ TAYEEF @ MD. TAYEEB S/O MD. WASHIQUE R/O VILLAGE- CHARANI WARD NO.02, P.S.- TARABARI, DISTRICT- ARARIA.
4. MUKHTAR @ MD. MUKHTAR S/O RAJJAK R/O VILLAGE- BOUCHI, WARD NO.- 3, P.S.- BAIRGACHHI, DISTRICT- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Rana  
For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      17-12-2021                      Heard Mr. Mukesh Kumar Rana, the learned  
  
counsel for the petitioners and the learned APP for the State.

Mr. Rana, the learned counsel for the  
  
petitioners seeks permission to withdraw this application with  
  
respect to the petitioner no. 2 who has been arrested during  
  
the pendency of the petition.

The application with respect to the petitioner no.

2/      Md. Washique @ Washique is dismissed as having



become infructuous.

The petitioner nos. 1, 3 and 4 seek bail in anticipation of their arrest in connection with Tarabari P.S. Case No. 77 of 2020, G.R. No. 2952 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 326, 307, 379, 427, 504 and 506/34 of the Indian Penal Code.

It has been alleged in the First Information Report that the informant and his nephew were surrounded by all the accused persons including the petitioners and on the orders of petitioner no. 1, one Md. Ashique is said to have given a knife blow on his nephew (Md. Masoom). The petitioner no. 3 is said to have assaulted one Isha by means of an iron rod on his waist. The petitioner no. 4 is said to have assaulted the informant along with another.

The learned counsel for the petitioners has submitted that because of some old enmity, the occurrence is said to have taken place in which unnecessary allegations have been hurled on the accused persons including the petitioners. The informant and others have received simple



injuries. It has further been submitted that though the attack on the nephew of the informant by means of a knife is attributed to somebody else but the nature of injury could not be deciphered at the time of treatment of Md. Masoom. However, from the dimension of the injuries on his person, it does not appear to be grievous or on any vital portion of the body. Be that as it may, the author of such injury is one Md. Ashique who is not one of the petitioners before this court.

Considering the afore-stated facts and taking into account that there was a delay of about 25 hours in lodging the case, the petitioner nos. 1/ Md. Matin, the petitioner no. 3/Md. Tayeen @ Tayeef @ Md. Tayeeb and the petitioner no. 4/Mukhtar @ Md. Mukhtar are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -III, Araria in connection with Tarabari P.S. Case



No. 77 of 2020, G.R. No. 2952 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Ashutosh Kumar, J)**

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