

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8495 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- BALIGAON District- Vaishali

1. MD. MUSTAQ Son of Md. Salim Resident of Village- Bhagwanpur Khazuri, P.S.- Baligaon, District- Vaishali.
2. Md. Asafak @ Md. Asfaq Son of Md. Mustaq Resident of Village- Bhagwanpur Khazuri, P.S.- Baligaon, District- Vaishali.
3. Md. Azaz @ Sonu Son of Md. Mustaq Resident of Village- Bhagwanpur Khazuri, P.S.- Baligaon, District- Vaishali.
4. Md. Reyaz @ Toni Son of Md. Mustaq Resident of Village- Bhagwanpur Khazuri, P.S.- Baligaon, District- Vaishali.
5. Md. Seraz @ Chotan Son of Md. Mustaq Resident of Village- Bhagwanpur Khazuri, P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 17-12-2021 Heard Mr. Rakesh Kumar Soni, learned Advocate for the petitioners and Mr. Nirmal Kumar Sinha, learned APP for the State.

Earlier the petitioners no. 3 and 5 (Md. Azaz @ Sonu and Md. Seraz @ Chotan respectively) were arrested and therefore their application for anticipatory bail was withdrawn as having become infructuous.

The petitioners no. 1, 2 and 4 seek bail in anticipation of their arrest in connection with Baligaon P.S. Case No. 110 of 2020 dated 03.09.2020 instituted



for the offences under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Md. Azaz @ Sonu is said to have given a knife blow to the brother of the informant whereas petitioners no. 2 and 4 are said to have assaulted him. The aforesaid accusation of assault is but general and omnibus in nature. The petitioner no. 1, who is the father of petitioners no. 2 and 4 is said to have hurled a sword but there is no injury of sword on anyone of the victims. The brother of the informant has received 8 injuries but all the injuries are in the nature of swelling and abrasion except for one i.e. the 8th injury which has been held to be grievous.

Learned counsel for the petitioners has, however, submitted that there is a counter version of the occurrence in which petitioners have been grievously injured. Nonetheless, the police has given the benefit to the accused persons, who are the members of the prosecution party in the present case under Section 41(A) of the Code of Criminal Procedure.

Considering the aforesaid background facts, the petitioners no. 1, 2 and 4 are directed to be released on 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 their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 110 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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