

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17569 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- AURAI District- Muzaffarpur

1. MD. SAGIR @ SAGIR AHMAD Son of Late Jaimul Hoda Resident of Village- Ghanshyampur Besi, P.S.- Aurai, District- Muzaffarpur.
2. Md. Tauhid Son of Md. Sagir Ahmad @ Sagir Ahmad Resident of Village- Ghanshyampur Besi, P.S.- Aurai, District- Muzaffarpur.
3. Md. Pravej Son of Md. Abdul Kudus Resident of Village- Ghanshyampur Besi, P.S.- Aurai, District- Muzaffarpur.
4. Md. Ali Son of Md. Mustaquim Resident of Village- Ghanshyampur Besi, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-01-2022 Heard the learned counsel for the petitioners and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Aurai P.S. Case No. 155 of 2020 instituted for the offences under Sections 341, 323, 354(b), 504, 325, 307, 379 and 34 of the Indian Penal Code.

The petitioner nos. 1 and 2 are specifically alleged to have assaulted the son of the informant, which has led to his broken teeth.



The learned counsel for the petitioners has submitted that there is a counter version of the occurrence which is earlier in point of time and present case is only a fallout of the earlier case lodged against the informant and others. Apart from this, it has been submitted that six persons are said to have assaulted the informant, her sister-in-law and her son.

Regard being had to the nature of accusation against the petitioner nos. 1 and 2, who are said to have broken the teeth the son of the informant, I am not inclined to grant anticipatory bail to them, notwithstanding the fact that there is a land dispute between the parties and that there is only one injury on the victim.

The prayer for anticipatory bail of petitioner nos. 1 and 2 is rejected.

However, if they surrender before the court below and seek bail, their application shall be considered on its own merits, without being prejudiced by the fact that the present petition on their behalf has not been entertained.

But in view of there being no specific overt act



attributed against the petitioner nos. 3 and 4 and no corresponding injuries on anyone of the victims, they 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 Judicial Magistrate -1st Class, Muzaffarpur in connection with Aurai P.S. Case No. 155 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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