

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7144 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- BASANTPUR District- Siwan

1. RAJA HUSSAIN S/O LATE HADISH MIYAN R/o village- Lakhnaura, P.S.- Basantpur (Lakri Naviganj O.P.), District- Siwan
2. ASRAF @ ASHRAF ALI S/O MOHAMMAD HUSSAIN R/o village- Lakhnaura, P.S.- Basantpur (Lakri Naviganj O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioners and learned APP
for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

After some arguments, learned counsel for the petitioner no.1 seeks permission to withdraw this application.

Permission is granted.

Accordingly, the instant application for petitioner no.1 is dismissed as withdrawn.

However, petitioner no.1 is directed to surrender before



the learned Court below and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

Now, this application is being heard with regard to petitioner no.2 only.

Petitioner no.2 apprehends his arrest in connection with a case registered for the offence punishable u/s 341, 323, 324, 307, 354, 379, 448, 504/34 of the Indian Penal.

Allegedly, the petitioner with other co-accused persons assaulted the informant by means of lathi and danda, as a result of which he sustained injuries.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. There is a case and counter-case between the parties. There is no specific overt act against the petitioner. The injuries are simple in nature. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances, since



there is a land dispute between the parties, let the petitioner no.2 named above in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Basantpur (Lakri Naviganj O.P.) P.S Case No.125 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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