

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8847 of 2022

Arising Out of PS. Case No.-79 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

1. MD. ALI RAJA SON OF LATE MD. SULEMAN RESIDENT OF VILLAGE- RAM NARAYANPUR SATHGAMA, POST- BANGARA WARD NO. 10, POLICE STATION- VIDYAPATI NAGAR, DISTRICT- SAMASTIPUR
2. MD. SUBHAM SON OF LATE MD. SULEMAN RESIDENT OF VILLAGE- RAM NARAYANPUR SATHGAMA, POST- BANGARA WARD NO. 10, POLICE STATION- VIDYAPATI NAGAR, DISTRICT- SAMASTIPUR
3. MD. USMAN SON OF LATE MD. SULEMAN RESIDENT OF VILLAGE- RAM NARAYANPUR SATHGAMA, POST- BANGARA WARD NO. 10, POLICE STATION- VIDYAPATI NAGAR, DISTRICT- SAMASTIPUR
4. MD. ALLAUDDIN SON OF MD. USMAN RESIDENT OF VILLAGE- RAM NARAYANPUR SATHGAMA, POST- BANGARA WARD NO. 10, POLICE STATION- VIDYAPATI NAGAR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Choudhary Shyam Nandan, Adv
For the Opposite Party/s :	Mr. Ram Priya Sharan Singh, APP
	Mr. Rajeev Ranjan No. II, Adv
	Mr. Raju Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-08-2022 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.



Learned counsel for the petitioner seeks permission to withdraw this application, as the petitioner nos. 1 and 2 named above have already been arrested by the police during the pendency of the present case.

Permission is granted.

Accordingly, the instant application for petitioner nos. 1 and 2 is dismissed as withdrawn.

Now, this application is being heard with regard to petitioner nos.3 and 4 only.

Petitioner nos. 3 and 4 apprehend their arrest in connection with a case registered for the offence punishable u/s 323, 325, 341, 379, 436, 504 and 34 of the Indian Penal Code.

Allegedly, the petitioners with other co-accused persons abused and assaulted the informant's side, due to which they sustained several injuries.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioner have been falsely implicated in this case at the instance of their enemies. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation of assaulting the informant by means of khanti is on the other co-



accused persons. There is no specific overt act against the petitioner nos. 3 and 4. The injuries are simple in nature. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances, let the petitioner nos. 3 and 4 named above, in the event of their 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) **each** 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 Vidyapati Nagar P.S Case No.79 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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