

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7798 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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1. MUNNA S/o Anwar
 2. Zabir Hussain S/o Bhadai Mistri
 3. Maksud Alam S/o Manhool Haque
 4. Sabir Alam S/o Bhadai Mistri
 5. Bhadai Mistri S/o Jahrool Haque
 6. Anwar S/o Late Manjool Haque
 7. Pir Mohammad S/o Late Jahrool Haque

All Resident of Village- Dostiyan, P.O.- Gurahnwa, P.S.- Kundawan
Chainpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kiran Kumari Sharma, Advocate
Mr. Saroj Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 354(B), 448, 379 and 504 of the Indian
Penal Code.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and petitioner no.



6 is aged about 87 years and petitioner no. 3 and 5 are aged about 65 and 60 years.

The informant alleges that the accused persons including the petitioners forming an unlawful assembly variously armed came at her door and started abusing her and when the informant objected the accused persons assaulted her family members.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that in the occurrence people from the side of the informant received injury. He further submits that opinion with respect to the injury suffered by Jiyaul Haque and Gulbahar is reserved and the injuries of rest five of the injured is found to be simple as recorded in the order impugned itself. Learned counsel thereafter draws the attention of the Court to the allegation as alleged in the FIR to submit that as far as allegation of assaulting Jiyaul Haque is concerned, the same is against Munna who is alleged to have assaulted him by an iron rod causing injury on his neck and as far as allegation of assault against Gulbahar is alleged i.e. against Lalu and Saheb (who are not the petitioners before this Court). Learned counsel also submits that the FIR does not disclose as to what was the nature of injury



caused to Gulbahar and as far as injury suffered by Jiyaul Haque is concerned, the same is on non-vital part of the body. He further submits that petitioners are not the criminals and even senior citizens have been implicated in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or 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.10,000/- (Rupees Ten 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 Kundwa Chainpur P.S. Case No. 115 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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