

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11609 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- SAKATPUR District- Darbhanga

1. MD. YASIN @ MD. YASIN NADAF Son of Late Jumrati Naddaf Resident of Village - Ujan Kanakpur, P.S. - Sakatpur, District - Darbhanga.
2. Md. Mehebool @ Mehbool Son of Md. Yasin Naddaf @ Md. Yasin Resident of Village - Ujan Kanakpur, P.S. - Sakatpur, District - Darbhanga.
3. Md. Elahi @ Elahi @ Alahi Son of Md. Yasin Naddaf @ Md. Yasin Resident of Village - Ujan Kanakpur, P.S. - Sakatpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners submits that the petitioner no. 1 has been arrested during the pendency of the present petition, hence the present petition *qua* petitioner no. 1 has become infructuous, as such, the same stands dismissed as not pressed.

This is an application for grant of anticipatory bail in connection with Sakatpur PS case no. 21 of 2021 registered for the offences punishable under Sections 341, 324, 307, 354(B)/34 of the Indian Penal Code.



The allegation is regarding the accused persons having assaulted the informant and his family members. As far as the petitioner no. 2 is concerned, he is stated to have given an axe blow on the head of the informant. It is further alleged that petitioner no. 2 had caught hold of one Md. Akbar, whereafter other co-accused persons had assaulted him.

The learned counsel for the petitioners no. 2 and 3 has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that the injuries sustained by the informant, attributable to the petitioner no. 2, have been found to be simple in nature and as far as petitioner no. 3 is concerned, he has only been alleged to have caught hold of the victim namely Md. Akbar, however he has not been alleged to have engaged in any sort of overt act, thus it is submitted that the complicity of the petitioners no. 2 and 3 in the alleged crime appears to be not grave. It is also submitted that other co-accused persons might be having some complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the injuries sustained by the informant attributable to the petitioner no. 2 have been found to be simple in nature and as far as petitioner no. 3 is concerned, he has not been alleged to have engaged in any sort of overt act and the petitioners no. 2 and 3 are having clean antecedent, I deem it fit and appropriate to admit the petitioners no. 2 and 3 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 2 and 3, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Sakatpur PS case no. 21 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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