

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14061 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- HASANGANJ District- Katihar

1. MD. NAYEEM Son of Md. Suleman Resident of Village - Khanua, P.S.- Hasanganj, District - Katihar.
2. Md. Aftab Son of Sheikh Aasin Resident of Village - Khanua, P.S.- Hasanganj, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Anil Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-07-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

At the outset, learned counsel for the petitioners has submitted that during the pendency of this anticipatory bail application, petitioner no.1 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.1.

In view of the aforesaid submission, the application is dismissed as withdrawn as **having become infructuous as against petitioner no.1.**

Petitioner no. 2 apprehend his arrest for the offences



alleged under Sections 341, 323, 307, 379, 504, 504 and 34 of the Indian Penal Code, registered in connection with Hasanganj P.S.case No. 28 of 2021.

As per allegation, seven named accused persons came to the land of the informant, description whereof has been made in the FIR. They badly assaulted the informant and his brother. The specific allegation against petitioner no.2. Md. Aftab is that he assaulted the brother of the informant with iron rod.

Learned counsel for the petitioners has submitted that the land description whereof has been mentioned in the FIR, that land was purchased by petitioner no.1 from one Shamshuddin through sale deed dated 13.02.2017, xerox copy whereof has been annexed as Annexure-2. He has submitted further that the land possession certificate is also in the name of petitioners. The informant side badly assaulted the petitioners and their family members and in this respect Hasanganj P.S.Case No.25 of 2021 was lodged. He has also submitted that injuries sustained by the injured persons are simple in nature.

Considering the above facts and circumstances, let petitioner no. 2, above-named, in the event of his arrest or surrender within four weeks from the date of communication of



this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Hasanganj P.S.Case No. 28 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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