

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25215 of 2021**

Arising Out of PS. Case No.-82 Year-2020 Thana- FULKAHA District- Araria

SAHANAWAZ @ SHANAWAZ @ MD. SAHANAWAZ Son of Md. Asim
Resident of Village- Nawabganj (Fulkaha), P.S.- Fulkaha, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh
For the Opposite Party/s : Mr.A.P.P

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 08-02-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Fulkaha P.S. Case no. 82 of 2020 instituted for the offence
under Sections 147, 149, 323, 341, 324, 307, 506, 504 and 34
of the Indian Penal Code and Section 3/4 of the Witchcraft Act.

As per allegation in the FIR, several accused persons
including the petitioner and 4-5 unknown persons has brutally



addressed the informant as Dian and they have brutally assaulted the informant with common intention to kill her. When her husband came there to rescue the informant, he was also beaten up by the accused persons.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Specific allegation of giving fatal injury by hammer blow on the head of the husband of the informant is against co-accused Kasim and not against this petitioner. It appears from the injury report that injury received by the injured is simple in nature. Both parties are on inimical term due to previous land dispute. There is case and counter case.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Fulkaha P.S. Case no. 82 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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