

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18994 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- KHAIRA District- Jamui

1. MD. MUSTAK SON OF MD. MUMTAZ RESIDENT OF VILLAGE- KHARHUI, POLICE STATION- KHAIRA, DISTRICT- JAMUI
2. MD MUMTAZ SON OF LATE SHABDAR MIYA RESIDENT OF VILLAGE- KHARHUI, POLICE STATION- KHAIRA, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-09-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 354(A), 307, 504, 325 and 34 of the Indian Penal Code.

The informant alleges that on 28.01.2022 at 2:00 pm, the petitioners came to her house and the petitioner no. 1 abused her and threatened to kill, it is next alleged that petitioner no. 1 assaulted her causing fracture of her hand and when her daughter intervened, petitioner no. 2 assaulted her with kick, fists and rod, it is further alleged that the petitioners caught the informant by hair and dashed her on the ground and tore her



clothes and on *hulla*, villagers intervened and the victims were saved and were taken to the hospital.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioner no. 2 is a senior citizen aged about 77 years and all of a sudden he has been made a criminal when admittedly for nearly 76 years and more he was a person with clean antecedent. Learned counsel next submits that petitioners have been falsely implicated in the present case with general and omnibus allegation on account of dispute relating to land, it is next submitted that it absolutely does not stand to reason that an old person would indulge in an occurrence of the nature as alleged in the FIR, it is also submitted that from perusal of Annexure-2, it would manifest that the injuries suffered by the injured are simple in nature and is not on vital part of the body.

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 trial court 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 trial court where the case is pending/successor court in connection with Khaira P.S. Case No. 36 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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