

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21372 of 2022

Arising Out of PS. Case No.-212 Year-2021 Thana- BARURAJ District- Muzaffarpur

1. SARFUDDIN @ SAFRUDDIN Son of Mejul Resident of Village - Birahima, P.s.- Baruraj, Distt.- Muzaffarpur.
2. Md. Sonu Son of Fakruddin Resident of Village - Birahima, P.s.- Baruraj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-11-2022 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, 325, 354, 307, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that the accused persons, including the petitioners came variously armed and started abusing and further Sarfuddin (petitioner no.1) assaulted him by an iron rod causing injury on head and when his wife came to rescue him she was assaulted by an iron by Md. Sonu (petitioner no.2) causing injury on head



and she became unconscious and when his daughter and sons came to rescue them they were also assaulted and the daughter was disrobed.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that on account of previous enmity it is alleged that the present occurrence took place, it is also submitted that it absolutely does not stand to reason that so many of the accused would have come variously armed and only the two accused persons would have assaulted, it is also submitted that petitioners do not have any instruction with respect to injury suffered by the informant and his wife.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the allegation, it would manifest that the injured were assaulted by iron rod causing injury on head.

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 Baruraj P.S. Case No. 212 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial court before accepting the bail bonds of the petitioners shall verify that if the injury suffered by the informant is grievous, then the present anticipatory bail order shall not be acted upon in favour of petitioner no.1 and if the wife of the informant received grievous injury then the present anticipatory bail order shall also not be acted upon in favour of petitioner no.2 and if both the injured have suffered grievous injury, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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