

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32232 of 2021**

Arising Out of PS. Case No.-77 Year-2020 Thana- KAJRAILCHAK District- Bhagalpur

1. SAHFAISAN @ SHSH FAISAL Son of Late Shamim Alam @ Sammo Resident of Village - Simariya, P.S.- Kajraili, Distt.- Bhagalpur.
2. Nooruddin Son of Israil Resident of Village - Simariya, P.S.- Kajraili, Distt.- Bhagalpur.
3. Taufique Alam @ Md. Taufik Son of Tapejul @ Md. Tafzil Resident of Village - Simariya, P.S.- Kajraili, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Swapnil Kumar Singh  
For the Opposite Party/s : Mr.Abhay Kumar Roy

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

ORAL ORDER

6      25-07-2022                      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.3 has been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner no.3.

In view of the aforesaid submission, the application is dismissed as withdrawn as **having become infructuous as against petitioner no.3.**



Petitioner nos. 1 and 2 apprehend their arrest for the offences alleged under Sections 147, 149, 341, 323, 427, 325, 307 and 504 of the Indian Penal Code, registered in connection with Kajraili P.S.Case No. 77 of 2020.

As per allegation, the accused persons named in the FIR including the petitioners came to the house of the informant. They dismantled the wall of her house. When the informant protested, petitioner nos.1 and 2 assaulted her brother with *khanti* on his head. Co-accused Roksana Khatoon caught hold of her, whereafter petitioner no.3 assaulted the informant with *lathi*. Petitioner no.3 also assaulted the father of the informant.

Learned counsel for the petitioners has submitted that there is enmity between the parties. There is case and counter case for the same day occurrence and one person died from the side of the petitioner and Section 302 of the IPC was added in the counter case. In the counter case, the members of the prosecution side have been granted anticipatory bail by a coordinate Bench of this Court, vide Cr.Misc. No. 55265 of 2021 under order dated 11.07.2022.

Considering the above facts and circumstances and also considering clean antecedent of petitioner nos. 1 and 2,



let them above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned ACJM-XIV, Bhagalpur in connection with Kajraili P.S.Case No. 77 of 2020, 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)**

HR/-

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