

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23548 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

1. MD. MUMTAJ ALAM @ MD. MOMTAJ Son of Md. Mahmood Hussain
 2. Md. Emtiyaz Alam Son of Md. Mahmood Hussain
 3. Md. Resham @ Md. Ajaz Alam Son of Md. Izhar Alam @ Md. Izhar
 4. Md. Faiyaz Alam @ Md. Faiyaz Son of Md. Izhar Alam @ Md. Md. Izhar
 5. Md. Inteshar Son of Md. Izhar Alam @ Md. Izhar
- all the 5 persons are the Resident of Village - Markazi Tola, Hussainabad,
P.S.- Babarganj, Distt.- Bhaglpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anita Kumari Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 08-08-2022 By order dated 09.06.2022, prayer for anticipatory
bail of petitioner no. 2 was dismissed as not pressed.

Learned counsel for the petitioner 1 and 3 to 5 at the
outset seeks permission to withdraw the prayer for anticipatory
bail with respect of petitioner no. 1 and 4.

Permission is accorded.

Heard learned counsel for the petitioner no. 3 and 5
and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner no. 3 and 5 apprehend their arrest in a
case registered for the offences punishable under Sections 341,



323, 307, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 3 and 5 submits that petitioner no. 3 and 5 are persons with clean antecedent.

The informant alleges that on 19.03.2021, at about 08:30 p.m., when he along with two others was standing near the house on the road then the accused persons including the petitioner no. 3 and 5 came and thereafter they started abusing the informant and on protest Md. Resham assaulted with the butt of the gun causing injury on his head, Md. Inteshar assaulted by an iron rod on the head of Md. Mustauqe causing head injury, Md. Faiyaz, Md. Emtiyaaz, Md. Mumtaz assaulted with lathi to Md. Parwez causing injury.

Learned counsel for the petitioner no. 3 and 5 submits that petitioner no. 3 and 5 have been falsely implicated in the present case and petitioner no. 3 and 5 and the informant are relatives and the present occurrence took place on account of differences relating to participation of the property. It is next submitted that the injuries suffered by the injured are simple in nature and petitioner no. 3 and 5 are not the criminals and the assault was also not such that it caused grievous injury. It is next submitted that a counter case bearing Mojahidpur (Babarganj) P.S. Case No. 73 of 2021 has been instituted from the side of the



petitioners.

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 petitioner no. 3 and 5, the petitioner no. 3 and 5 above-named, in the event of their arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Mojahidpur (Babarganj) P.S. Case No. 72 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned Trial Court shall verify the injury suffered by the injured, in the event if the injury is simple in nature then the present order shall be acted upon and in the event if the injury is found to be grievous in nature then the present order shall not be acted upon.

(Satyavrat Verma, J)

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