

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28565 of 2022

Arising Out of PS. Case No.-255 Year-2020 Thana- SULTANGANJ District- Bhagalpur

1. MD. MOHAJID ALAM @ MD. MOHAJID S/o Mokim Mansoori Resident of Islam Nagar, P.S.- Sultanganj, District- Bhagalpur.
2. Md. Tanbeer @ Tanbeer S/o Mokim Mansoori Resident of Islam Nagar, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners at the outset
seeks permission to withdraw the anticipatory bail application
in respect of petitioner no. 1.

Permission is accorded.

Accordingly, the prayer of petitioner no. 1 for
anticipatory bail is dismissed as withdrawn.

The petitioner no. 2 apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
307 and 34 of the Indian Penal Code.

The informant alleges that on account of dispute



relating to property the petitioner along with accused persons assaulted his wife, daughter and son and his daughter somehow managed to inform the informant in an injured condition and when he reached the place of occurrence, he was also assaulted by sharp edged weapon causing injury on head.

Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 is a person with clean antecedent and is a young boy aged about 19 years and has been falsely implicated in the present case, it is next submitted that the allegation of assault is general and omnibus in nature and it is also submitted that no specific allegation of assault is alleged against the petitioner and date of occurrence is 20.12.2020 and FIR came to be instituted on 23.12.2020 without any plausible explanation.

The learned A.P.P opposes the bail application of petitioner no. 2 and submits that the injury suffered by the informant is on vital part of the body and is grievous.

Learned counsel for the petitioner no. 2 rebuts the submission and submits that the allegation of assault is not specific and further the petitioner no. 2 is a young boy and if he is sent to jail based on such general and omnibus allegation his



entire career would get jeopardized and chances are bright that he may come in contact with hardened criminals.

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 Sultanganj P.S. Case No. 255 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

One of the bailor shall be the father of the petitioner Mokin Mansoori.

(Satyavrat Verma, J)

GauravSinha/-

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