

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32968 of 2022

Arising Out of PS. Case No.-313 Year-2020 Thana- BIHARIGANJ District- Madhepura

1. MD. MUSTAKIM SON OF LATE MD. JAGO
2. MD. BADRI @ BADARI ALAM @ BADAR ALAM SON OF MD. MUSTAKIM
3. MD. AZAD @ MD. NAUSHAD SON OF MD. MUSTAKIM
ALL ARE RESIDENT OF VILLAGE - SARAUNI KALA, POLICE STATION - BIHARIGANJ, DISTRICT - MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through the virtual Court proceedings.

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

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 447, 341,
323, 307, 354A, 379, 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent.

The informant alleges that on account of dispute
relating to processing of husk petitioner no. 1 assaulted her
daughter by sword but missed. Petitioner no. 2 assaulted her by



an iron rod causing cut injury on her head and petitioner no. 3 assaulted her other daughter by Sariya.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that the occurrence is dated 17.11.2020 and the order impugned by which the anticipatory bail application of the petitioners was rejected is dated 30.11.2021 but still from perusal of the impugned order, it manifests that the opinion with regard to the injury till 30.11.2021 was reserved. Learned counsel, thus, submits that had the injury been grievous then definitely within one year the same would come to the Court. The fact that within one year after the occurrence the injury was not opined that in itself creates doubt with regard to the veracity of the allegation as alleged. It is further submitted that even the alleged occurrence is said to have been taken place on a trivial issue of processing of husk and the petitioners are not the criminals.

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 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 Bihariganj P.S. Case No. 313 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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