

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48129 of 2021

Arising Out of PS. Case No.-93 Year-2019 Thana- BALRAMPUR District- Katihar

1. SAHJAAN @ SAJAHAN S/o Late Wajed Ali R/o Village- Baldiyagachhi, P.S.- Balrampur, District- Katihar
2. Moti @ Md. Moti S/o Late Wajed Ali R/o Village- Baldiyagachhi, P.S.- Balrampur, District- Katihar
3. Md. Mojibur @ Md. Mojibur Rahman S/o Late Wajed Ali R/o Village- Baldiyagachhi, P.S.- Balrampur, District- Katihar
4. Asfaque @ Md. Asfaque S/o Moti @ Md. Moti R/o village Rahatpur, P.S.- Karandighi, District- Uttar Dinajpur (West Bengal)
5. Akbar Ali S/o Moti @ Md. Moti R/o village Rahatpur, P.S.- Karandighi, District- Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Suresh Prasad Sah
For the Opposite Party/s :	Mr.Pradeep Narain Kumar
for the informant	Mr. Nafisuzzohha

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 19-05-2022 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 nos. 2 and 4 have been arrested and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw this application as against petitioner nos. 2 and 4.



In view of the aforesaid submission, the application is dismissed as withdrawn as having become **infructuous as against petitioner nos. 2 and 4.**

Petitioner nos. 1, 3 and 5 apprehend their arrest for the offences alleged under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code, registered in connection with Balrampur P.S.Case No. 93 of 2019.

As per allegation, the accused persons badly assaulted the brother of the informant. The specific allegation of inflicting sword blow on brother of the informant is attributed against petitioner no.2 Moti @ Md. Moti, who has been arrested.

Learned counsel for petitioner nos. 1, 3 and 5 has submitted that the allegation against the petitioners are general and omnibus and the accused persons against whom there was specific allegation has been arrested. He has also submitted that the petitioners' side have also lodged a case against the informant's side.

Considering the above facts and circumstances as well the fact that petitioner nos. 1, 3 and 5 are the persons of clean antecedents, 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 .C.J.M. Katihar in connection with Balrampur P.S.Case No. 93 of 2019, 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 petitioner within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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