

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52740 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- BALRAMPUR District- Katihar

1. MD. SANAULLAH SON OF EHSANUL HAQUE RESIDENT OF VILLAGE- FATEHPUR , P.S. BALRAMPUR (TELTA), DISTRICT- KATIHAR
2. PUTLI KHATOON DAUGHTER OF EHSANUL HAQUE RESIDENT OF VILLAGE- FATEHPUR , P.S. BALRAMPUR (TELTA), DISTRICT- KATIHAR
3. EHSANUL HAQUE @ MD. EHSAN SON OF LATE AKHTAR HUSSAIN RESIDENT OF VILLAGE- FATEHPUR , P.S. BALRAMPUR (TELTA), DISTRICT- KATIHAR
4. ANESHA KHATOON WIFE OF EHSANUL HAQUE RESIDENT OF VILLAGE- FATEHPUR , P.S. BALRAMPUR (TELTA), DISTRICT- KATIHAR
5. MD. MOZIB @ MD. MAJIBUL RAHMAN SON OF LATE IDRISH RESIDENT OF VILLAGE- DIGHALDARIYA , P.S. BALRAMPUR (TELTA), DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Adv.
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-05-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered



for the offence punishable under Sections 447, 341, 323, 307, 354, 427, 379, 504, 506, 34 of the Indian Penal Code.

The allegation against the petitioners is that they along with other accused persons have indiscriminately assaulted the informant and her younger brother-in-law due to a land dispute.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to the admitted land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that a free fight has taken place between the parties, in which both sides have sustained injuries. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation against the petitioner no.1 to have assaulted the informant's brother-in-law by means of iron rod on his head and one of the injury, as per the injury report, is grievous in nature. Said injury has been inflicted by the petitioner no.1.

Considering that there is specific allegation against the petitioner no.1, I am not inclined to enlarge him on anticipatory



bail.

The prayer for grant of anticipatory bail to the petitioner no.1 is rejected.

However, having regard to the facts and circumstances of the case, since there is no specific allegation against the rest of the petitioners, let the above named petitioner nos.2, 3, 4 and 5, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Balrampur (Telta) P.S. Case No.43/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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