

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52975 of 2021

Arising Out of PS. Case No.-72 Year-2021 Thana- SAMASTIPUR District- Samastipur

1. Manzar Imam Son Of Md. Ali Imam Resident Of Village - Neem Chak Gal, Magardah, Ward No.19, P.S.- Samastipur Town, Distt.- Samastipur.
2. Anwar Imam Son Of Md Ali Imam Resident Of Village - Neem Chak Gal, Magardah, Ward No.19, P.S.- Samastipur Town, Distt.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rana Sanjay Kumar Singh- Advocate
For the State	:	Ms. Nirmala Kumari- A.P.P.
For the Informant	:	Mr. Abhay Shankar Singh- Advocate
		Mr. Barun Kumar Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-02-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State through video conferencing.

The petitioners seek bail in connection with Samastipur Town P. S. Case No.72 of 2021, instituted for the offences under Sections 341, 323, 324, 448, 307, 504, 506, 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are in custody since 02.04.2021, they are persons with clean antecedent and charge-sheet has been submitted in the case.

The learned counsel for the petitioners submits that



the informant alleges that the accused persons entered the house of the informant and petitioner no.1 and Lal Imam inflicted razor (astura) blow causing injury in the stomach of Md. Shahjad and Anwar Imam (petitioner no.2) gave knife blow causing injury on the neck of Md. Laddan.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the case. It is just not possible to allege specifically when number of accused are alleged to have entered and assaulted the victim. The learned counsel further submits that Md. Laddan, who is alleged to have been assaulted by knife by Anwar Imam during the course of investigation at Para-33 does not name him.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application and submits that there is specific allegation against the petitioner of assaulting and causing injury, but the informant is not able to meet the submission of the learned counsel for the petitioner that as far as petitioner no.2 is concerned, injured himself during the course of investigation has not named him.

Considering the fact that the petitioner no.2 is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and the injured has not named him



during the course of investigation, the petitioner no.2, above-named, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Samastipur Town P. S. Case No.72 of 2021.

As far as petitioner no.1 is concerned, since there is a direct allegation of causing razor (astura) blow in the stomach of Shahjad, the Court is not inclined to enlarge the petitioner no.1 on bail.

Accordingly, the prayer for bail of petitioner no.1 is rejected.

(Satyavrat Verma, J)

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