

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54787 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- KASBA District- Purnia

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1. PATANI @ NUR MOHAMMAD KURESHI S/o- MD KALIM @ KALIM @ KALIM KURESHI Resident of Sanjhaily, P.S.- Kasba, District- Purnea.
 2. MD. JUBER @ JUBER @ JUBER KURESHI Son of Md. Kalim @ Kalim @ Kalim Kuresh Resident of Sanjhaily, P.S.- Kasba, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate.
For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-06-2022 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.

Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.2, as he has already been arrested, during pendency of this application.

Considering the same, this application is dismissed as withdrawn as against the petitioner no.2.



Now, this application is being heard for consideration of bail on behalf of petitioner no.1 only.

The petitioner no.1 apprehends his arrest in a case registered for the offence punishable under sections 147, 149, 323, 341, 307, 504, 506 and 379 of the Indian Penal Code.

The allegation against the petitioner is that he along with others have indiscriminately assaulted and threatened the informant's side.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties and both sides have sustained injuries. The injuries are simple in nature. There is an admitted land dispute between the parties. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is a case and counter-case between the parties and



both sides have sustained injuries, let the above named petitioner no.1 be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Kasba P.S. Case No. 47 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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