

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56289 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. MD. ALLAUDDIN @ UMAR Son of Md. Hasim Resident of Madhopur Chaturi, P.S. - Bajpatti, District - Sitamarhi
2. Md. Jamaluddin @ Gulab Son of Md. Hasim Resident of Madhopur Chaturi, P.S. - Bajpatti, District - Sitamarhi
3. Md. Jalaluddin @ Chhote Son of Md. Hasim Resident of Madhopur Chaturi, P.S. - Bajpatti, District - Sitamarhi
4. Md. Shadab Son of Md. Hasim Resident of Madhopur Chaturi, P.S. - Bajpatti, District - Sitamarhi
5. Md. Sahab Son of Md. Hasim Resident of Madhopur Chaturi, P.S. - Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-05-2022 It is submitted by learned counsel for the petitioners that during pendency of this application, petitioner no. 1 has been arrested and, as such, he seeks permission to withdraw this application.

Permission is accorded.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 1.

So far as, petitioner nos. 2, 3, 4 and 5 are concerned, the instant application for anticipatory bail has been filed by the



them apprehending their arrest in connection with Bajpatti P.S. Case no. 110 of 2021 instituted for the offence punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

As per allegation in the FIR, while the father of the informant was constructing cattle shed, then several accused persons including the petitioners came there armed with deadly weapons started to abuse and on protest, informant was beaten up by the accused persons. When his brother came there for rescue him, he was also assaulted by them resulting into head injury to the informant's father and uncle.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Both parties are neighbour. Some FIR named accused persons were not present at the place of occurrence. During scuffle, both sides have received injuries. Similarly situated co-accused persons have been granted privilege of anticipatory bail in A.B.P. No. 1488 of 2021 by the learned lower court.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in



the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 2 to 5 on bail. The petitioner nos. 2 to 5 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bajpatti P.S. Case no. 110 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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