

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55265 of 2021

Arising Out of PS. Case No.-74 Year-2020 Thana- KAJRAILCHAK District- Bhagalpur

1. WAZIRUDDIN @ MD. WAZIRUDDIN S/o LATE HAFIZ HUSSAIN
2. MD. SADAKAT S/o WAZIRUDDIN @ MD. WAZIRUDDIN
3. MINATULLAH S/o WAZIRUDDIN @ MD. WAZIRUDDIN
All R/o VILLAGE - SIMARIA, P.S - KAJRAILI, DISTRICT - BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-07-2022 Learned counsel for the petitioners submits that petitioner no. 3 Minatullah was arrested during the pendency of the anticipatory bail application, as such, seeks permission to withdraw the same against him.

Permission is accorded.

Heard learned counsel for the petitioners no. 1 and 2 and learned A.P.P. for the State.

The petitioners no. 1 and 2 apprehend their arrest in a case registered for the offences punishable under Sections 147, 341, 323, 325, 379, 447, 427, 504 and 302 of the Indian Penal Code.

Learned counsel for the petitioners no. 1 and 2 submits that petitioners no. 1 and 2 are persons with clean



antecedent.

The informant alleges that on 17.11.2020 petitioner no. 1 was constructing his house by increasing *Chhaja* upon his land, the same was objected by the mother-in-law of the informant who went to stop the work then all the accused persons including the petitioners assaulted her mother-in-law and when Marhaba Khatoon came to save her mother the accused also assaulted her and thereafter the accused entered the house of the informant and took away jewellery and valuables as detailed in the FIR. It is alleged that the victim was taken to the hospital for treatment.

Learned counsel for the petitioners no. 1 and 2 submits that the date of occurrence is 17.11.2020 and the FIR came to be instituted on 26.11.2020 i.e. after a delay of nearly nine days without any plausible explanation. It is next submitted that the deceased died on 28.11.2020 at her home after treatment as recorded in para 11 of the anticipatory bail application. It is next submitted that the mother-in-law of the victim was an old lady and she died her natural death and the victim by way of afterthought implicated the petitioners no. 1 and 2. It is next submitted that if the victim would have been assaulted then definitely the hospital authority would have informed the police



but the fact that the FIR was lodged after a delay of nine days in itself creates doubt with regard to the veracity of the allegation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners no. 1 and 2.

Considering the submissions made by the learned counsel for the petitioners no. 1 and 2, the petitioners no. 1 and 2 above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Kajraili P.S. Case No. 74 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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