

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57458 of 2021**

Arising Out of PS. Case No.-153 Year-2020 Thana- BHARGAMA District- Araria

1. MD. SARAJ Son of Late Sallo Resident of Village- Sukaila (Choura) Ward No.09, P.S.- Bhargama, District- Araria.
2. Md. Suleman Son of Late Sallo Resident of Village- Sukaila (Choura) Ward No.9, P.S.- Bhargama, District- Araria.
3. Bibi Shabnam W/o Md. Saraj Resident of Village- Sukaila (Choura) Ward No.9, P.S.- Bhargama, District- Araria.
4. Rabila Khatoon W/o Md. Ayyub Resident of Village- Sukaila (Choura) Ward No.9, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      11-07-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners apprehend their arrest in connection with Bhargama P.S. Case No.153 of 2020, registered for the offences punishable under Sections 341, 323, 325, 354, 379, 504 and 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 04.07.2020 at about 02.00 in the afternoon the petitioner was standing on his door. It is alleged that the petitioners came there variously armed with lathi and iron rod and started abusing the informant. When the informant objected, petitioners no.1 and 2, namely, Md. Saraj



and Md. Suleman assaulted the informant by means of iron rod causing fracture injuries in both the hands. Thereafter Md. Saraj, petitioner no.1 is said to have assaulted the informant on his head causing injury on his head. When the wife of the informant came to save him, the petitioners also assaulted her. Petitioners No.1 and 2 have also torn the clothes of the wife of the informant. In the meantime, petitioners no.3 and 4 took away a box containing clothes and cash Rs.17,000/-. Md. Saraj, petitioner no.1 snatched a chain made of silver from the informant.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. It is further submitted that the occurrence took place on 04.07.2020, but the FIR was lodged on 09.09.2020. It is submitted that the petitioners had been given benefit of Section 41(1) Cr.P.C., thereafter cognizance has been taken against the petitioners. It is further submitted that the learned court below has rejected the prayer for anticipatory bail of the petitioner on the ground that the injuries are grievous in nature, but charge sheet has not been submitted under Section 307 of the Indian Penal Code. It is lastly submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application.

The learned APP for the State opposed the prayer for anticipatory bail of the petitioners, but fairly submitted that there is



delay in lodging the FIR.

Taking into consideration the fact that there is delay in lodging the FIR, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Araria in connection with Bhargama P.S. Case No.153 of 2020, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anjani Kumar Sharan, J.)**

Sanjay/-

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