

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58622 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- AKBARNAGAR District- Bhagalpur

1. SAHJADA @ SAIZU Son of Basimuddin Resident of English, Chichron, P.S. - Akbar Nagar, District - Bhagalpur.
2. Afroj Son of Basimuddin Resident of English, Chichron, P.S. - Akbar Nagar, District - Bhagalpur.
3. Mahboob Son of Basimuddin Resident of English, Chichron, P.S. - Akbar Nagar, District - Bhagalpur.
4. Firoj Son of Basimuddin Resident of English, Chichron, P.S. - Akbar Nagar, District - Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Gajanan Mishra, Advocate
For the Opposite Party : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-05-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to the petitioner No. 1 namely, Sahjada @ Saizu as during pendency of this application, he has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to the petitioner No. 1 namely, Sahzada @ Saizu is dismissed as withdrawn.



The petitioner Nos. 2 to 4 are apprehending their arrest in Akbarnagar P.S. Case No. 34 of 2021 registered for the offence under Sections 341, 323, 448, 147, 149, 307, 384, 385, 506 and 325 of the Indian Penal Code.

Prosecution case in short is that while the informant was at vigil of wheat and mustard crops, the accused persons including the petitioners came there armed with lathi and surrounded him. It is further alleged that on the order of Shahjada, other accused persons assaulted the informant with lathi. Accused Maruf is said to have assaulted the informant on his head as a result of which, his bones of writ and palm of right hand got fractures. The petitioner No. 2 is said to have caused injury on the finger of left hand of the victim.

It has been submitted on behalf of the petitioner Nos. 2 to 4 that there is no allegation of tampering of witnesses alleged against them. The petitioner Nos. 2 to 4 have been falsely implicated in the present case. Both parties are agnates. There is land dispute between the parties. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the side of the accused has not been explained by the prosecution. The prosecution has not come with clean hands. So far petitioner No. 2 is concerned, he is said to have caused injury on the finger of left hand of the victim. Same is on the non-vital part of the body. Hence, Section-307 of the Indian Penal Code is not attracted against him. So far petitioner Nos. 3 & 4 are concerned, general and omnibus



allegation has been made against them. No specific overt act is alleged against them. Specific allegation of assault is alleged against the co-accused Shahjad @ Saizu whose application for grant of anticipatory bail has already been dismissed as withdrawn.

On behalf of the State, it is submitted that the petitioner Nos. 2 to 4 are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner Nos. 2 to 4, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Bhagalpur in connection with Akbarnagar P.S. Case No. 34 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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