

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54043 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- KURTHA District- Jehanabad

-
1. MD. ABU ANWAR @ ABU ANWAR SON OF ABU SAJID
 2. MD. ABU SARWAR @ ABU SARWAR SON OF ABU SAJID
 3. ABU KHALID @ ALI SON OF ABU HASNAD
 4. MANAUWAR AHSAN SON OF BELAL AHMAD
All R/O VILLAGE - PINJRAWAN, P.S. - KURTHA, DISTRICT -
ARWAL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataur Rahman, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 323, 341,
308, 354 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and petitioners no.
1, 2 and 3 are students as has been specifically pleaded in para
6, 7 and 8 of the anticipatory bail application. It is further
submitted that on account of dispute relating to election, as



Mausi of the informant was contesting the election of Mukhiya, the present occurrence is alleged to have taken place.

The informant alleges that Abu Khalid (petitioner no. 3) assaulted him by an iron rod causing injury on his head, Abu Sarwar (petitioner no. 2) and Abu Anwar (petitioner no. 1) assaulted him with fists causing injury in his ear, Manauwar Ahsan (petitioner no. 4) assaulted him with fists and legs and co-accused Abu Azam abused his Mausi and also snatched golden chain and took Rs.20,000/-.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case as their family members were not supporting the aunt of the informant in the election of Mukhiya. It is further submitted that as far as allegation against Abu Sarwar (petitioner no. 2), Abu Anwar (petitioner no. 1) and Manauwar Ahsan (petitioner no. 3) is concerned, the same is of causing injury to the informant by fists and legs. It is next submitted that as far as Abu Khalid (petitioner no. 3) is concerned, it is alleged that he assaulted the informant by an iron rod causing injury on his head. It is also submitted that Md. Abu Anwar (petitioner no. 1) is a student of R.C.S. College, Kurtha, Arwal and is presently studying in B.Sc., Md. Abu Sarwar (petitioner no. 2) is a student of R.C.S.



College, Kurtha, Arwal and is also studying in B.Sc. and Abu Khalid (petitioner no. 3) is a student of Bachelor of Business Administration at D.Y. Patil International University, Akurdi, Pune. It is thus submitted that even presuming what has been alleged is true without admitting for the purpose of anticipatory bail, the allegation against the petitioners no. 1, 2 and 4 is of assaulting by fists and legs. Learned counsel further submits that no doubt opinion with respect to the injuries of the informant was reserved but after examining the injuries in detail, it is submitted that the Doctors found the injuries to be simple. It is next submitted that if the petitioners are sent to jail, their entire career would be jeopardized and chances are bright that they may come in contact with the hardened criminals and the fact that the injuries are simple that in itself demonstrates that petitioners never had any intention of committing a serious occurrence. It is also submitted that the informant, against whom also a case was instituted three days after the occurrence, left for Saudi Arabia that also demonstrates that the injuries were not grievous.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the 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 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 Kurtha P.S. Case No. 218 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

