

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60169 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- CHHATAPUR District- Supaul

1. MD. SAIFULLA Son of Amimulla Resident of village - Jhakhargharh (Ward No.- 03), P.S.- Chhatapur, District - Supaul
2. Md Taha Son of Asik Hussain Resident of village - Jhakhargharh (Ward No.- 03), P.S.- Chhatapur, District - Supaul
3. Md Sojim Son of Md Imamul Resident of village - Jhakhargharh (Ward No.- 03), P.S.- Chhatapur, District - Supaul
4. Md Jenul Son of Asik Hussain Resident of village - Jhakhargharh (Ward No.- 03), P.S.- Chhatapur, District - Supaul
5. Md Sainul Son of Asik Resident of village - Jhakhargharh (Ward No.- 03), P.S.- Chhatapur, District - Supaul
6. Md Minhaj Son of Md Inus Resident of village - Jhakhargharh (Ward No.- 03), P.S.- Chhatapur, District - Supaul
7. Md Murshid Son of Asik Hussain Resident of village - Jhakhargharh (Ward No.- 03), P.S.- Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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.

Learned counsel for the petitioners seeks permission
to withdraw the present anticipatory bail application with
respect to petitioner nos. 4 and 5.

Permission is accorded.

The petitioner nos. 1, 2, 3, 6 and 7 apprehend their



arrest in a case registered for the offences punishable under Sections 341, 323, 324, 325, 307, 354(A), 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that accused persons, including the petitioners, were ploughing her field, on protest, Md. Jainul assaulted and dashed her on the ground and misbehaved with her, thereafter Md. Taha assaulted her with a sword causing injury on hand, further Md. Sojim and Md. Minhaz caught her son and Md. Tajauddin assaulted him by *farsa* causing injury on head, thereafter Md. Saifulla assaulted her daughter-in-law by an iron rod causing injury on hand and Md. Farooq assaulted her daughter-in-law by sword causing injury on head and Md. Taha and Md. Jamal snatched chain etc.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the informant had alleged with such precision that who assaulted whom and by what weapon that creates doubt with regard to the veracity of the allegations, it is also submitted that on account of dispute relating to land, the present occurrence is alleged to have taken place. Learned



counsel submits that petitioners are not criminals and will cooperate in the investigation and will present themselves as and when required by the Investigating Officer of the case, it is further submitted that from perusal of the injury report and Annexure-2 series it would manifest that the injuries suffered by the injured are also simple in nature which further demonstrates that accused persons never had any intention of committing a serious occurrence and perhaps at the spur of the moment, the occurrence might have taken place in which from the side of the petitioners also people were assaulted.

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 petitioner nos. 1, 2, 3, 6 and 7, 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 Chhatapur P.S. Case No. 161 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance before this Court are not cooperating in the investigation or are not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioners shall pass orders in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioners.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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