

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.135 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- PANCHRUKHI District- Siwan

1. MD. AMZAD @ AMZAD PAWARIA Son of Late Sadique Pawaria Resident of Village- Jasauli Sheikhpatti, P.S.- Pachrukhi, District- Siwan.
2. Md. Aslam @ Aslam Pawaria Son of Late Sadique Pawaria Resident of Village- Jasauli Sheikhpatti, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 397 of 2022

Arising Out of PS. Case No.-123 Year-2021 Thana- PANCHRUKHI District- Siwan

SAJID @ RAJA @ SAZID Son of Aslam Pawaria Resident of Village- Jasauli Sheikhpatti, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 135 of 2022)

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 397 of 2022)

For the Petitioner/s : Mr.Binay Kumar

Mr. Abdul Manan Khan

For the Opposite Party/s : Mr.Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 02-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as



the learned counsel for the informant and the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Pachrukhi P.S. Case No. 123 of 2021 registered for offence punishable under sections 147, 148, 149, 341, 504, 447, 323, 324, 379, 354, 504 and 506 of the Indian Penal Code.

As per allegation, the petitioner Sajid @ Raja driving rashly and negligently dashed the son of the informant. Some altercation took place between the parties. Thereafter, ten accused persons named in the FIR came to the darbaja of the informant variously equipped with iron rod, sword, lathi etc. The specific allegation against petitioner Sajid @ Raja is that he inflicted sword blow on the head of Enamul Haque, the younger brother of the informant. The specific allegation against the petitioner Amzad Ali is that he along with other accused persons assaulted Nurul Haque and Aftab Ansari.

The learned counsel for the petitioners has submitted that there is case and counter case and members of petitioners' side have also sustained injuries. He has submitted further that though injuries suffered by Enamul Haque are grievous in nature, but it was caused by hard and blunt substance, whereas the allegation against Sajid @ Raja is that he assaulted him with



sword. He has also submitted that there is no allegation against Mohammad Aslam. The case of Mohammad Amzad is similar to the case of Mohammad Asif Ali, who has been granted anticipatory bail in Cr. Misc. No. 71697 of 2021.

Considering the above-mentioned facts and circumstances, the anticipatory bail petition of petitioner **Md. Amzad @ Amzad Pawaria** and petitioner **Md. Aslam @ Aslam Pawaria** is allowed. **Let them**, in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Siwan in connection with Pachrukhi P.S. Case No. 123 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

So far as **petitioner Sajid @ Raja** is concerned, there is an allegation that he assaulted on the head of Enamul Haque, though injuries caused by hard and blunt substance, but they are grievous in nature and they are on his parietal region. As such, **his prayer for anticipatory bail is hereby rejected.**

If the petitioner Sajid @ Raja @ Sazid appears before the court below and makes a prayer for regular bail, it shall be disposed of on its own merit without being prejudiced by this



order.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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