

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76800 of 2019

Arising Out of PS. Case No.-559 Year-2019 Thana- NAUBATPUR District- Patna

1. MD. SARAFAT ALI @ SARPHAT ALI @ SHARAFAT ALI Son of Late Ali Mohammad Resident of Village - Adampur, Piplawan, Matkhanpar, P.S.- Naubatpur, District - Patna
2. Md. Sabir @ Md. Sabir Ali Son of Md. Sarafat Ali @ Sarphat Ali @ Sharafat Ali Resident of Village - Adampur, Piplawan, Matkhanpar, P.S.- Naubatpur, District - Patna
3. Md. Mannaur @ Md. Manaur @ Md. Manaur Ali Son of Md. Sarafat Ali @ Sarphat Ali @ Sharafat Ali Resident of Village - Adampur, Piplawan, Matkhanpar, P.S.- Naubatpur, District - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar Bhagat, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 12-04-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the Office, within a period of four weeks.

The petitioners are apprehending their arrest in a case registered under Sections 307, 366(A)/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case, in short, is that the grandson of the complainant/informant was abducted by the accused persons



and the accused persons also fired at grandson of the informant due to which he sustained injuries.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case for oblique reasons. From perusal of the paragraph 18 of the Case Diary, it is evident that independent witnesses in course of investigation has stated that due to accidental fire made by petitioner no. 2, the victim boy has sustained injury on his ankle. The petitioners had taken the victim to the hospital for treatment. The dispute arose over payment of bill to the doctor and for the said reason, a complaint case was filed in the Court below on the basis of which the present F.I.R. has been drawn. From perusal of the above referred paragraph of the case diary where the independent witnesses have made their statement, no offence under Section 307 and 366A IPC is attracted in the present case.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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 A.C.J.M.- II, Danapur, Patna in connection with Naubatpur P.S. Case No. 559/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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