

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2775 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. MD. ASHRAF S/o Md. Islam R/v- Ram Chouk, Bhowra, P.S.- Madhubani Town, District- Madhubani
 2. MD. ASHFAQUE S/o Md. Islam R/v- Ram Chouk, Bhowra, P.S.- Madhubani Town, District- Madhubani
 3. MD. NAUSHAD S/o Md. Islam R/v- Ram Chouk, Bhowra, P.S.- Madhubani Town, District- Madhubani
 4. MD. SAHADAT @ SAHADAT S/o Pandouliya R/v- Ram Chouk, Bhowra, P.S.- Madhubani Town, District- Madhubani
 5. MD. SHAMSHAD @ SHAMSHAD S/o Md. Jharell R/v- Ram Chouk, Bhowra, P.S.- Madhubani Town, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioners no.1, 2 & 3, as he has already been arrested by the police, during pendency of this application.

Permission is granted.

Accordingly, the instant application as against the petitioner no.1, 2 & 3 is dismissed as withdrawn.

Now, this application is being heard for



consideration of anticipatory bail as against the petitioners no.4 & 5 only.

Heard learned counsel for the rest of the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 326, 354, 379, 427, 504 and 506/34 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, petitioners attacked the informant with intention to kill and during the act, Md. Ashraf hit over his head with Farsa repeatedly causing dislocation of his tooth and thereafter when his wife Mujaida Khatoon came to save him, Md. Shahadat hit over her belly and leg and also torn her clothes and when his daughter came to save him the accused persons also damaged the shop of the sister of the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is case and counter case between the parties and both sides have sustained injuries. He submits that there is allegation against petitioner no.5 to assault the informant Md. Chan and the injury was found grievous in



nature. He further submits that in the injury report the doctor stated that 'opinion is preserved till dental opinion is not given'. He further submits that petitioners have got one criminal antecedent as stated in para-3 of the bail application.

Learned APP for the State opposes for prayer for bail. Considering the aforesaid facts and circumstances and the fact that there is case and counter case between the parties and both sides have sustained injuries, let the petitioners, named above, in the event of their arrest/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.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Madhubani P.S. Case No.291/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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