

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8515 of 2023

Arising Out of PS. Case No.-70 Year-2019 Thana- ANDHRAMATH District- Madhubani

1. MD. RAHMAN S/O LATE MD. THAKAI MIYAN Resident of village- Harraha, Dhatta Tola, P.S.- Andhramath, District- Madhubani.
2. MD. SULTAN @ MD. SULTAN AHMAD S/O MD. RAHMAN Resident of village- Harraha, Dhatta Tola, P.S.- Andhramath, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Andhramath P.S. Case No.70 of 2019, registered for offences under Sections 341, 323, 324, 307, 504 and 34 of the IPC.

The allegation is regarding the accused persons variously armed, having surrounded the husband of the informant and thereafter, when the husband of the informant had gone inside the courtyard of his house to save himself, the accused



persons had also entered inside the house and had assaulted the husband of the informant and other persons, who had arrived there to save the husband of the informant, resulting in them receiving serious injuries. As far as the petitioner no.1 is concerned, he is stated to have assaulted Mumtaj on the back side of his head by *dabia* and the petitioner no.2 is stated to have assaulted one Md.Rasool i.e. the father-in-law of the informant by knife near his eye.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted by referring to the injury report prepared by the doctor qua the aforesaid two injured persons, namely, Mumtaj and Md. Rasool, annexed as annexure-3 to the present petition that the injuries found on their person are simple in nature, hence benefit of doubt be granted to the petitioners, for the purposes of grant of



anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the injuries sustained by the aforesaid Mumtaj and Md.Rasool, attributable to the petitioners herein, have been found to be simple in nature and the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Judicial Magistrate, 1st Class,
Jhanjharpur, District-Madhubani in connection with
Andhramath P.S. Case No.70 of 2019, subject to
the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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