

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16260 of 2023

Arising Out of PS. Case No.-209 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. MD. JIWACHH Son of Liyakat R/v- Bhadoul, P.S.- Kusheshwar Asthan, District- Darbhanga
 2. SAHNAJ BEGAM @ SAHNAJ KHATOON Wife of Md. Jiwachh R/v- Bhadoul, P.S.- Kusheshwar Asthan, District- Darbhanga
 3. MD. SHAMIM Son of Md. Ismail R/v- Bhadoul, P.S.- Kusheshwar Asthan, District- Darbhanga
 4. MD. ASHFAQUE @ ASHFAQUE Son of Md. Sikandar R/v- Bhadoul, P.S.- Kusheshwar Asthan, District- Darbhanga
 5. MD. ORANJEB @ MD. ORANGJEB Son of Md. Sikandar R/v- Bhadoul, P.S.- Kusheshwar Asthan, District- Darbhanga
 6. MD. MONAJIR @ MD. MANAJIR Son of Md. Sikandar R/v- Bhadoul, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-07-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail petition in respect of petitioner no.3, Md. Shamim as he has already been arrested by the police.

Permission is granted.

Accordingly, this anticipatory bail petition is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned



APP for the State.

Petitioners apprehend their arrest in connection with Kusheshwar Asthan P.S. Case No.209 of 2021, registered for the offences punishable under Sections 341, 323, 308, 379, 504, 506 and 34 of the Indian Penal Code.

It is alleged that co-accused, Md. Parwez and Sikandar on the order of petitioner no.1, Md. Jiwachh assaulted the informant by means of iron rod on his head causing bleeding injury. When the informant fell down on the ground, all petitioners assaulted him by means of lathi, rod, danda causing injuries to him. The accused persons also snatched mobile phone and Rs.2000-3000/- from possession of the informant.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is submitted that petitioners have got criminal antecedents as stated in paragraph-3 of the bail petition. It is further submitted that specific overt act is alleged against co-accused, Md. Parwez and Sikandar and they are not petitioners in the instant case. It is also submitted that there is general and omnibus allegation against the petitioners and injuries sustained by the informant are simple in nature (Annexure-2).

Learned APP for the State opposed the prayer for



grant of anticipatory bail to the petitioners.

Considering the nature of injuries, let petitioners no.1, 2, 4, 5 and 6, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Biraul, District Darbhanga in connection with Kusheshwar Asthan P.S. Case No.209 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

S.KUMAR/-

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