

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14157 of 2023

Arising Out of PS. Case No.-112 Year-2021 Thana- AURAI District- Muzaffarpur

1. MIFTAHUL HASSAN @ MD. MIFTAHUL HASSAN @ MAHTAB S/O MASOOD HASSAN Resident of Mohalla- Balbhadrapur, P.S.- Aurai, District- Muzaffarpur.
2. LAXMESHWAR DAS @ NEERAJ KUMAR S/O RAM NARAYAN DAS Resident of Mohalla- Baigna, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Aurai P.S. Case No. 112 of 2021 for the offence registered under sections 341, 323, 324, 379, 504, 506, 307, 325 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 05.06.2021 by the informant, Vikash Tiwary.

The prosecution case in brief is that one Vikash Tiwari lodged written report addressed to the S.H.O. of Aurai Police station stating therein interalia that the informant alongwith staff Golu Kumar and Anuj Prakash Trivedy came for accounting of the Hospital because the informant is a partner in Shifa Hospital, Aurai with Gajnafar Hussain but he did not gave



the account details and started abusing on which the staff of the informant namely, Golu Kumar and Anuj Prakash Trivedy protested. Thereafter, Gajnafar Hussain @Mahtab alongwith other staff confined the informant and his two staffs in a room.

Further, Gajnafar Hussain on the point of pistol threatened and further assaulted with the help of associates. It is also alleged that Gajnafar Hussain, Mahtab, Dilip Sah, Jhagru Mahto and Neeraj Mahto alongwith four to five other staffs assaulted with '*iron rod*' and other weapons and broken the right hand of Anuj Prakash Trivedy and also broken the left hand of Golu Kumar.

They further took away 25,000 cash from possession of informant and Rs.6000/- cash and two mobile and purse was snatched from Golu Kumar. In the meantime, the police arrived and sent the informant and his both staffs for treatment at Primary Health Centre. Accordingly, the FIR.

It has been alleged by the learned Counsel for the petitioners that the main allegation is against Gajnafar Hussain. So far as these two petitioners are concerned, omnibus allegation of assaulting the informant, Vikash Tiwary and Golu Kumar. Further submission is that there is case and counter case in the matter.



The last submission is that irrespective of the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- each i.e. Rs. 20,000/- to the injured person.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that allegation of assault is there.

Taking into account the fact that there is case and counter case in the matter, direct allegation is against Gajnafar Hussain, the petitioners do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 20,000/- as stated above.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Aurai P.S. Case No. 112 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioners, who shall provide official document to show his
bona fide;

(ii) the petitioners shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of their
bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned
police station every fortnight for next one year to mark
attendance;

(iv) the petitioners shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of their bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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