

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14727 of 2023

Arising Out of PS. Case No.-321 Year-2020 Thana- BABUBARHI District- Madhubani

1. MD. NAJAM, S/o Arik Ansari, R/o Village- Harhi tol Barhara, P.S.- Babubarhi, Distt- Madhubani.
2. Md. Sabbir, S/o Arik Ansari, R/o Village- Harhi tol Barhara, P.S.- Babubarhi, Distt- Madhubani.
3. Md. Sagir, S/o Arik Ansari, R/o Village- Harhi tol Barhara, P.S.- Babubarhi, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Shailendra Kumar Jha, Advocate
For the State	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioners and learned
APP for the State of Bihar.

The petitioners are apprehending their arrest in connection with Babubarhi P.S. Case No. 321 of 2020 instituted for offence under Sections 341, 323, 324, 307, 354A, 379, 504, 506 and 34 of Indian Penal Code.

As per prosecution case, there is allegation of indiscriminate assault upon the informant's brothers. The allegation is made by name against 7 accused persons, including the instant petitioners.

Learned counsel for the petitioners submits that the instant case is a sequel to the earlier case i.e. Babubarhi P.S. Case No. 168 of 2021, alleged by the same prosecution party



against the petitioners. It is submitted that no such occurrence has taken place. The specific allegations of assault are levelled against *Md. Najir*, *Md. Atik* and *Sahida Khatoon*. Insofar as the instant petitioners are concerned, there is no specific allegation and prayer is made for grant of anticipatory bail.

Learned APP for the State has opposed the prayer for bail. He has drawn attention of the Court towards the order passed by the learned Additional Sessions Judge-III, Madhubani, rejecting the prayer for bail of the instant petitioners wherein the injuries have been considered.

This Court finds from the order that allegation of assault on elbow, levelled against petitioner no. 1 namely *Md. Najam*, stands corroborated. Insofar as the other two petitioners namely *Md. Sabbir* and *Md. Sagir* are concerned, there appears to be lack of specific assault description in respect of these two persons.

Considering such facts emerging from the FIR and investigation, this Court is inclined to allow prayer for grant of anticipatory bail on behalf of the petitioners no. 2 and 3, namely *Md. Sabbir* and *Md. Sagir*.

Prayer for anticipatory bail of petitioners no. 2 and 3 namely *Md. Sabbir* and *Md. Sagir*, is allowed.

Accordingly, let the petitioners no. 2 and 3, namely



Md. Sabbir and *Md. Sagir*, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Madhubani, in connection with Babubarhi P.S. Case No. 321 of 2020, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Insofar as petitioner no. 1 namely *Md. Najam* is concerned, prayer for his anticipatory bail is rejected.

(Madhuresh Prasad, J)

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