

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16108 of 2023

Arising Out of PS. Case No.-286 Year-2022 Thana- FORBESGANJ District- Araria

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1. DILWAR S/O TAZUDDIN R/V- BOKRA DORIYA SONAPUR, WARD NO 9, PS- SIMRAHA, DISTRICT- ARARIA
 2. ANWAR S/O TAZUDDIN R/V- BOKRA DORIYA SONAPUR, WARD NO 9, PS- SIMRAHA, DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-05-2023 Heard the learned counsel for the
petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Forbisganj (Simraha) P.S. Case No. 286 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein, variously armed, having arrived at the tea shop of Md. Saquib where the informant was also present and then the accused persons are stated to have assaulted him. As far as the petitioner no. 1 is



concerned, he had assaulted the informant by sword on his eye and right hand and when one Afroj Alam came there to save the informant, the petitioner no. 2 had assaulted him by sword, however, he escaped from being injured, nonetheless, his left hand got injured. It is also alleged that when the brother of the informant namely Azib had arrived there, one another co-accused person, namely, Sarwar had also assaulted him by sword resulting in him sustaining grievous injury.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that though the petitioners are accused in some other cases but they are on bail in the said cases. It is also submitted, by referring to the injury report of the informant, annexed as Annexure-2 to the present petition that the injuries sustained by the informant, attributable to the petitioners, are simple in nature, whereas the



injuries sustained by Afroj Alam is though serious in nature but has been inflicted on non-vital part of the body i.e. on left hand but he has not sustained any fracture injury, hence benefit of doubt be granted to the petitioner no. 2.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory 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 informant, have been found to be simple in nature and that sustained by one Afroj Alam is on non-vital part of the body, though, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, however, subject to certain conditions considering their bad criminal antecedents.

Accordingly, the petitioners, above named,



are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbisganj (Simraha) P.S. Case No. 286 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is needless to state that the petitioners herein would mark their attendance before the Officer-in-Charge of the concerned Police Station at 10:30 A.M. on every Monday of the week and in the event of their failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioners shall be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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