

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16478 of 2023

Arising Out of PS. Case No.-236 Year-2022 Thana- HUSSAINGANJ District- Siwan

1. AFAQUE ALAM @ AFFAK ALAM SON OF LATE AFTAB ALAM @ BHUTTU R/O VILLAGE- ARANDA TOLA NAWADA, P.S.- HUSSAINGANJ, DISTRICT- SIWAN
2. FAISAL ALAM @ FAISAL AZAM SON OF LATE AFTAB ALAM @ BHUTTU R/O VILLAGE- ARANDA TOLA NAWADA, P.S.- HUSSAINGANJ, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

The petitioners apprehend their arrest in connection with Hussainganj (M.H. Nagar) P.S. Case No. 236 of 2022 for the offence registered under sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code lodged on 30.08.2022 by the informant, Mohboob Alam.

The prosecution case, in short, is that on 27.08.2022 at about 8:00 AM, the informant was going from his old house to new one. In the meantime, the petitioners along with other co-accused armed with sharp-edged weapon, '*iron rod*', '*pipe*' and '*lathi*' surrounded the informant and started assaulting. He



received head injury and his left hand bone also got fractured. The informant became unconscious and fell down on the ground. It is further alleged that the accused-petitioner also took out Rs. 6000/- from the pocket of the informant. Accordingly, the FIR.

Learned Counsel for the petitioners submit that one of the injury has been found to be simple in nature while the other which have been shown grievous in nature is on non-vital part inflicted on the victim,.

Further submission is that without accepting the allegation and/or 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. 25,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned Counsel for the informant opposes the prayer stating that the injury may be on non-vital part but the same has been found to be grievous in nature.

Taking into account the fact that one of the injury has been found to be simple in nature as submitted and so far as the



other injury is concerned, the same is on non-vital part, FIR having been lodged and ultimately they will have to face the trial, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 25,000/- 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 Court of A.C.J.M. IX, Siwan in connection with Hussainganj (M.H. Nagar) P.S. Case No. 236 of 2022 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 their *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 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;

(iv) 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.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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