

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16499 of 2023

Arising Out of PS. Case No.-254 Year-2022 Thana- HASANPUR District- Samastipur

1. MD. SADDAM SON OF SHEKH GANI R/O MAUJI, P.S.- HASANPUR, DISTRICT- SAMSTIPUR
2. MD. MOIN @ MOEEN SON OF SHEKH GANI R/O MAUJI, P.S.- HASANPUR, DISTRICT- SAMSTIPUR
3. MD. WAHID @ VAHID SON OF LATE BASIL R/O MAUJI, P.S.- HASANPUR, DISTRICT- SAMSTIPUR
4. MD. MANJUR SON OF MD. ALIM R/O MAUJI, P.S.- HASANPUR, DISTRICT- SAMSTIPUR
5. HEENA KHATOON WIFE OF MD HUSSANI, D/O SHEKH GANI R/O MAGHAUNA, P.S.- ALOLI, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-05-2023 Heard Mr. Diwakar Sinha, learned counsel for the

petitioners and Mr. Akshay Lal Pandit, learned Additional

Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection
with Hasanpur PS Case No. 254/2022 dated 03.11.2022
registered for the offence punishable under Sections 147, 448,
323, 324, 307 and 302 of the IPC.

3. As per the complaint-cum-First Information
Report, on 11.08.2022 the petitioners along with other co-
accused persons twelve in number out of which eight accused



persons have been named including the petitioners and four unknown persons brutally assaulted the brother of the informant due to which he died on 19.08.2022. Reason of assault has been mentioned in the complaint petition that the informant was being pressurized to divorce his wife, Asmin Khatoon which was not being followed by the informant and when the deceased intervened in the matter, he was brutally assaulted and killed.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of concocted story and entire family members have been made accused in the present case. He next submits that occurrence as per the complaint petition itself had occurred on 11.08.2022 and according to the complainant the victim died on 19.08.2022 during course of treatment by a private doctor but the complaint has been lodged on 10.10.2022 which has been converted into an FIR bearing Hasanpur PS Case No. 254/2022 dated 03.11.2022. He further submits that no postmortem report was prepared and the victim was allegedly buried without giving any information to the police.

5. Regards being had to the submissions made by the parties, taking into consideration the delay in lodging the FIR and the fact that no postmortem report was conducted upon



the person of the deceased, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, let the petitioners, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Hasanpur, Samastipur in connection with Hasanpur PS Case No. 254/2022, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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