

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17353 of 2023

Arising Out of PS. Case No.-278 Year-2022 Thana- PALASI District- Araria

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1. MD NASIM S/O LATE AKLIM @ AKLIL R/O VILLAGE- SHAYAMPUR, WARD NO.-12, P.S- PALASI, DISTT.- ARARIA.
 2. MD SABIR @ SABIR ALAM S/O LATE AKLIM @ AKLIL R/O VILLAGE- SHAYAMPUR, WARD NO.-12, P.S- PALASI, DISTT.- ARARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Adv.

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard Mr. Md. Ziaul Quamar, learned counsel for the petitioners and Mr. Satyendra Prasad, learned Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Palasi PS Case No. 278/2022 dated 31.08.2022 registered for the offence punishable under Sections 147, 341, 323, 324, 307, 354(B), 379, 504 and 506/34 of the IPC.

3. As per allegation made in the FIR, petitioner no.1, Md. Nasim assaulted the informant by means of *Farsa* on his head while petitioner no.2, Md Sabir @ Sabir Alam assaulted him by sword on his hand.

4. Learned counsel for the petitioners submits that there was a dispute between the informant and the side of the



petitioners relating to money transaction and altogether 15 family members from the side of the petitioners have been made accused. Allegation of assault upon the deceased, Sarfaraz (brother of the informant) is upon co-accused, namely, Rozid and Jasim. He further submits that the injury caused to the informant is simple in nature as would be evident from Annexure-2, the injury report and the assault caused to the deceased is not attributable to the petitioners. Petitioners have got no criminal antecedents.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that petitioners have got no criminal antecedents, the injury caused to the informant is simple in nature and the assault made upon the deceased is not attributable to the petitioners, 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 Chief Judicial Magistrate- Araria in connection with Palasi PS Case No. 278/2022, subject to the condition as laid down under Section



438(2) CrPC.

(Anil Kumar Sinha, J)

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