

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24141 of 2023

Arising Out of PS. Case No.-1 Year-2023 Thana- AMAUR District- Purnia

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1. MD. MAHBOOB ALAM @ MD. MAHBOOB S/o- ABDUL KARIM
Village- Gyandov Ps- Amour Dist- Purnea Bihar
 2. Bibi Sahjabi @ Bibi Sajhbeen Begam wife of Md. Mahboob Alam @ Md.
Mahboob Village- Gyandov Ps- Amour Dist- Purnea Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 341, 342,
307, 323, 324, 379, 354 & 504/34 of the Indian Penal Code.

Petitioners are said to have assaulted the informant
and her family members. The reason behind the occurrence is
said to be petty family dispute.

It is submitted by learned counsel for the
petitioners that no such occurrence as alleged ever took place.
Petitioners have been falsely implicated in this case. The
allegation levelled against the petitioners is not specific rather



general and omnibus in nature. As a matter of fact, both the parties are close agnates. There is case and counter case between the parties. There is inordinate and abnormal delay of 10 days in lodging the F.I.R. without assigning any plausible and convincing reason for the said delay, which creates serious doubt about the prosecution case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case as well as the fact that the injury attributed by petitioner no.2 is simple in nature, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Amour P.S. Case No.01 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of the case as well as the fact that the injury caused by petitioner no.1 is grievous in nature, I am not inclined to enlarge petitioner no.1 on anticipatory bail. The prayer for anticipatory bail of the



petitioner no.1 is hereby rejected.

However, if petitioner no.1 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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