

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24621 of 2023

Arising Out of PS. Case No.-447 Year-2022 Thana- BAHERA District- Darbhanga

1. Md Nemtullah @ Nirala @ Nirale Son Of Late Dular Sattar Ahamad @ Dular Ahmad Resident Of Village Kajiyana Bahera ,PS Bahera Dist Darbhanga
2. Md. Enoyatullah @ Md. Enayatullah Son Of Late Sattar Ahamad @ Late Dular Ahamd Resident Of Village Kajiyana Bahera ,PS Bahera Dist Darbhanga
3. Md. Nawaz @ Newaj Nematullah Son Of Nimatullah @ Nirala @ Namatullah @ Nirale Resident Of Village Kajiyana Bahera ,PS Bahera Dist Darbhanga
4. Md. Nayaz @NEYAZ Nenatullah Son Of Nimatullah @ Nirala @ Neematullah @ Nirale Resident Of Village Kajiyana Bahera ,PS Bahera Dist Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-07-2023 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, 323, 308, 307, 379, 427, 504, 506, 354 and 34 of the Indian Penal Code.

As per the prosecution case, when the informant was sitting at his door then all the accused persons came and abused him. On protest, they assaulted the informant and his brother. Petitioner no. 2 is said to have assaulted father of the



informant.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. There is specific allegation against petitioner no. 2, who assaulted the father of the informant. He submits that the injury report of the alleged victims does not support the prosecution case and as such no offences u/s 307 and 308 is made out. Petitioners no. 1 and 2 have two criminal antecedent and petitioners no. 3 and 4 have one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and the fact that injury was found simple in nature, let the above named petitioners no.1, 3 and 4, 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 Bahera P.S. Case No. 447 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case and the fact that the injury upon the father of the informant was found grievous in nature, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of the petitioner no. 2 is hereby rejected.

(Anjani Kumar Sharan, J)

anand/-

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