

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13922 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- GWALPARA District- Madhepura

1. MD. SAHID @ BABUL @ MD. SHAHID S/O MD. SAJABUL Resident of Village- Reshna, Ward No.- 01, P.S.- Gwalpara (Arar O.P.) District- Madhepura.
2. MD. JUNAID @ MD. JUNED ALAM S/O MD. SAJABUL Resident of Village- Reshna, Ward No.- 01, P.S.- Gwalpara (Arar O.P.) District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24206 of 2023

Arising Out of PS. Case No.-194 Year-2022 Thana- GWALPARA District- Madhepura

MD. SAJABUL S/O LATE MD. JASIM @ JASIM R/O Village- Reshna,
Ward No. 01, P.S- Gwalpara (Arar O.P), Distt.- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13922 of 2023)

For the Petitioner/s : Mr. Ansul, Adv

Mr. Nafisuzzoha, Adv

For the Opposite Party/s : Mr. Upendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 24206 of 2023)

For the Petitioner/s : Mr. Ansul, Adv

Mr. Nafisuzzoha, Adv

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 25-07-2023 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

2. As both these bail applications have cropped up from



the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

3. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 354, 504, 506, 34 of the Indian Penal Code.

4. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.1 of Cr. Misc. No.13922 of 2023, namely, MD. Sahid @ BABUL.

5. Permission is granted.

6. Accordingly, the instant application as against petitioner no.1 of Cr. Misc. No.13922 of 2023, namely, Md. SAHID @ BABUL is dismissed as withdrawn.

7. However, if the petitioner MD. SAHID @ BABUL surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass the order, on the same day, in accordance with law.

8. Now, these applications are being heard with regard to the rest of the petitioners.

9. Allegedly, petitioner Md. Sajabul assaulted one Md. Chand by means of *farsa* causing head injury and petitioner Md.



Junaid entered into the house of the informant and committed theft worth Rs. One lakh and also snatched jewellery from the neck of the mother of the informant.

10. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the petitioners are the family members of the informant and there is an old dispute between them. He further submits that though the injury of injured, namely, Md. Chand has been opined grievous in nature by the doctor, but the allegation of assaulting him is attributed towards 9-10 persons. Petitioners have no criminal antecedent, as also mentioned in paragraph-3 of the bail applications.

11. Learned APP for the State opposed the prayer for anticipatory bail.

12. Having regard to the facts and circumstances of the case, as the petitioner in Cr. Misc. No.24206 of 2023, namely, Md. Sajabul is aged about 75 years and there is general and omnibus allegation against the petitioner no.2 in Cr. Misc.



No.13922 of 2023 namely, Md. Junaid @ Juned Alam, let the above named petitioners namely, Md. Sajabul in Cr. Misc. No.24206 of 2023 and petitioner no.2 in Cr. Misc. No.13922, namely, Md. Junaid @ Juned Alam, be released on bail, in the event of their 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) **each** 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 Gwalpara (Arar O.P.) P.S. Case No.194 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

13. Accordingly, these applications are partly allowed.

(Anjani Kumar Sharan, J)

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