

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28345 of 2023

Arising Out of PS. Case No.-334 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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1. MD. GYASUDDIN Son of Salauddin Resident of village-Near Ahilya Sthan Navghorba, P.S.-Town, Dist.-Madhubani
 2. MD. AZIM Son of Md. Sagir Resident of village-Near Ahilya Sthan Navghorba, P.S.-Town, Dist.-Madhubani
 3. NASRULLAH @ MD. NASRULLAH Son of Md. Nazir Resident of village-Near Ahilya Sthan Navghorba, P.S.-Town, Dist.-Madhubani
 4. MD. KALIM Son of Md. Wakil Resident of village-Raghnagar, P.S.-Town, Dist.-Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

The petitioners in the present case are seeking pre-arrest bail in connection with Madhubani Town P.S. Case No. 334 of 2022 registered for the offences punishable under Sections 341, 342, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code. They have got no criminal antecedent.

Learned counsel for the petitioners submits that as per the prosecution story on 10.08.2022 at about 04:30 A.M. when the informant was going to Chaman Toli Masjid, on the way all the petitioners along with some unknown persons surrounded



him. Thereafter, petitioner no. 1 penetrated the knife in the abdomen of the informant. It is alleged that petitioner no. 2 assaulted on his head by butt of the pistol and other accused persons assaulted him with lathi/danda. It is also alleged that the accused persons snatched Rs.5,000 from his pocket. Thereafter, the informant was admitted to Paras Global Hospital, Darbhanga for treatment.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the parties have compromised the matter.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the allegation against the petitioner no. 1 is that he had assaulted the informant by a knife and penetrated the same in the abdomen of the informant causing severe injuries to him, the petitioner no. 2 assaulted the informant by butt of pistol and other petitioners repeatedly assaulted him when he had fallen down, the injured appeared in the court below and narrated the entire incident for which he was treated at Paras Global Hospital, Darbhanga, this Court is not inclined to grant privilege



of anticipatory bail to the petitioners.

The prayer for anticipatory bail of the petitioners is,
thus, refused.

Learned counsel for the petitioners submits that the
parties have compromised the matter.

Be that as it may, if the petitioners surrender and pray
for regular bail in the court below within four weeks from today,
the same shall be considered on its own merit without being
prejudice by the order of this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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