

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32322 of 2023

Arising Out of PS. Case No.-297 Year-2022 Thana- AWTARNAGAR District- Saran

1. MOHAMMAD RAFIQUE S/O MD. ALI R/O Village- Aami Karmwari Patti, P.S- Awatar Nagar, Distt.- Saran (Bihar).
2. Mohammad Murtuza S/O Md. Ali R/O Village- Aami Karmwari Patti, P.S- Awatar Nagar, Distt.- Saran (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Tej Narayan Singh, Adv.
For the Opposite Party/s :	Mr.Pawan Kumar Chaurasia, APP.
	Mr. Ghanshyam Tiwary, Adv.
	Mr. Princy Raj, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard the parties.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.1.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1

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



6. Now, this application survives for petitioner no.2 only.

7. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 448, 323, 325, 307, 504, 34 of the Indian Penal Code.

8. Allegedly, due to money dispute, all the accused persons including this petitioner assaulted the informant and his brother brutally with the deadly weapons due to which they sustained grievous injuries.

9. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. Both the parties are agnates. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to village politics. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

10. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that there is serious allegation of assault against the petitioner and the injuries sustained by the victims were found grievous in nature, hence the petitioner does not deserve anticipatory bail.

11. Having regard to the facts and circumstances of the



case, as there is no specific overt act against the petitioner no.2, 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 Awtarnagar P.S. Case No. 297 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

12. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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