

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36272 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- BELAGANJ District- Gaya

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1. MD GUDDU SON OF MD JUBAIR ALAM RESIDENT OF VILLAGE-NEW BALAPUR, PS- BELAGANJ, DISTT- GAYA
 2. MD. KADIR ALAM @ MD. KADIR SON OF LATE SABIR RESIDENT OF VILLAGE- NEW BALAPUR, PS- BELAGANJ, DISTT- GAYA
 3. MD. WAKIL @ SONU SON OF MD. JUBAIR ALAM RESIDENT OF VILLAGE- NEW BALAPUR, PS- BELAGANJ, DISTT- GAYA
 4. MD. JUBAIR SON OF NIZAMUDDIN @ MD. NIZAMUDDIN RESIDENT OF VILLAGE- NEW BALAPUR, PS- BELAGANJ, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 26-07-2023 1. Learned counsel for the petitioners submits the during pendency of this anticipatory bail application, the petitioner no. 1 / Md. Guddu has been arrested, as such, this petition has become infructuous with respect to the petitioner no. 1 – Md. Guddu. Accordingly, he seeks permission to withdraw the application in respect of the petitioner no. 1.
2. Permission is granted.
3. The application stands dismissed as withdrawn in relation to petitioner no. 1 (Md. Guddu).
4. Insofar as the petitioner nos. 2, 3 & 4 are



concerned, they apprehend their arrest in connection with Belaganj PS Case No. 419 / 2022 dated 11.08.2022 registered under Section 147, 148, 149, 341, 323, 324, 308, 506 of the IPC.

5. As per the FIR, the petitioners along with other accused, total eight in number, arrived at the door of the informant and started abusing and when the informant arrived at the door, Md. Jubair, Shakil and Md. Kadir started assaulting the informant and the petitioner no. 3 / Md. Wakil assaulted with indigeneous weapon. It has further been alleged that Md. Kadir and Md. Nizamuddin assaulted him on his head by means of sword.

6. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to quarrel which had taken place between the children one day prior to the incident in question. He further submits that falsity of the First Information Report would be evident from the fact that the co-accused / Nizamuddin died twenty years ago as per the certificate given by Ward Member of the local Panchayat. The injury was caused to the informant by hard and blunt substance and is simple in nature whereas there is allegation of assault on his head by means of sword by Md. Kadir and



Nizamuddin.

7. Regard being had to the submission made by the parties, taking into consideration the both the parties are co-villagers, the dispute has taken on a trivial issue of quarrel between children and injury caused to the informant is simple in nature, as such, I am inclined to grant anticipatory bail to the petitioner nos. 2, 3 & 4.

8. Let the petitioner nos. 2, 3 & 4 , above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Gaya in connection with Belaganj PS Case No. 419 / 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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