

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37258 of 2023

Arising Out of PS. Case No.-127 Year-2020 Thana- BIRAUL District- Darbhanga

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1. MERAZ ANWAR HUSSAIN KHAN Son of Ajim Khan Resident of village - Morwara, P.S. - Biraul, Distt. - Darbhanga
 2. Sartaj Anwar Hussain Khan Son of Ajim Khan Resident of village - Morwara, P.S. - Biraul, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mrs. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 504, 427 and 307/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, there is allegation against the petitioners that they along with other co-accused persons have assaulted the informant by means of iron rod.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is admitted land dispute between the parties. He submits that both the parties are agnates.



He further submits that doctor of PHC Baheri gave a supplementary injury report of the informant and found the injury caused by hard and blunt object and simple in nature. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the allegation levelled as the petitioner no.1 is that he assaulted the informant by means of iron rod and injury was found grievous in nature . Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case there is specific allegation against the petitioner no.1 to assault the informant by means of iron rod and injury found upon the victim is grievous in nature, I am not inclined to enlarge the petitioner no.1 on bail in connection with Biraul P.S. Case No. 127/2022. Accordingly, their prayer for anticipatory bail is hereby rejected.

7. Insofar as petitioner no.2 is concerned there is general and omnibus allegations levelled against the petitioner no.2, let the petitioner no.2, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on



furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Biraul P.S. Case No.127/2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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