

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40311 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- SONBERSHA RAJ District- Saharsa

1. MD. ISRAIL S/O MD. KAMRUDDIN R/O Village- Behta Mohanpur, Ward No. 14, Under Gram Panchayat Dehad, P.S- Sonbarsa Raj, Distt.- Saharsa.
2. Md. Alam S/O Late Md. Kamruddin R/O Village- Behta Mohanpur, Ward No. 14, Under Gram Panchayat Dehad, P.S- Sonbarsa Raj, Distt.- Saharsa.
3. Md. Samsuddi @ Md. Samsuddin S/O Late Md. Jhakas R/O Village- Behta Mohanpur, Ward No. 14, Under Gram Panchayat Dehad, P.S- Sonbarsa Raj, Distt.- Saharsa.
4. Md. Kari @ Md. Sah Alam S/O Md. Samsuddi @ Md. Samsuddin R/O Village- Behta Mohanpur, Ward No. 14, Under Gram Panchayat Dehad, P.S- Sonbarsa Raj, Distt.- Saharsa.
5. Md. Raja @ Md. Razaul @ Md. Rajaul S/O Md. Israil R/O Village- Behta Mohanpur, Ward No. 14, Under Gram Panchayat Dehad, P.S- Sonbarsa Raj, Distt.- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Sonbarsa Raj P.S. Case No. 212 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 325 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant



alleges that petitioners assaulted his grandson by *lathi-danda* and spade, further he he also sustained injury and Md. Alam snatched gold chain of Mithilesh and Md. Israil took Rs. 5,000/- from the pocket of Mithilesh and the injured were taken to the hospital for treatment.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that though the informant has alleged that they were assaulted but then there is no specific allegation of assault against any of the accused persons, it is further submitted that from perusal of the impugned order it would manifest that the injury is also recorded and the injury of Upendra Sao is said to be lacerated and swelling on right and left forearm and the nature of injury has been kept reserved by the doctor, further injury of Mithilesh is simple in nature. Learned counsel thus submits that the petitioners never had any intention of committing a serious occurrence and on account of a dispute, an altercation took place in which both the sides assaulted each other and as far as allegation of snatching of locket and money is alleged, the same is ornamental in nature.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Sonbarsa Raj P.S. Case No. 212 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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