

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41115 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. Md Kaiyum Son Of Late Md. Saffid Resident Of Village- Patraha, Ps-
Barhara, District- Purnea
2. Md. Samim Son Of Late Md. Saffid Resident Of Village- Patraha, Ps-
Barhara, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 06-11-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. Learned counsel for the petitioners seeks permission to withdraw the present application with respect to the petitioner no. 1, (Md. Kaiyum).

4. Permission is accorded.

5. Accordingly, the present application with respect to the petitioner no. 1 (Md. Kaiyum) is dismissed as withdrawn, with liberty to surrender to the learned Court below within six weeks from the date of this order and pray for regular bail and learned Court



below will consider the same without being prejudiced by this order.

6. The petitioner is apprehending his arrest in a case in connection with Barhara P.S. Case No. 19 of 2023 dated 14.01.2023 registered for the offence/s punishable u/ss 147, 148, 149, 341, 323, 324, 307, 379, 325, 504 and 506 of the Indian Penal Code.

7. As per the prosecution case, the petitioner and the co-accused persons are alleged to have assaulted the informant and his family members with deadly weapons. It is further alleged that the petitioner no. 1 Md. Kaiyum assaulted the informant's husband with *Gadasa* due to that he sustained head injury and blood started oozing out and he became unconscious. It is further alleged that the petitioner no. 2 also assaulted the informant's brother-in-law due to that he sustained injuries on his neck and head and became unconscious and in the meantime, the co-accused Md. Kausar snatched the silver chain from the neck of the informant.

8. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that there is no repetition of blow. Learned counsel has further submitted that a free fight took place due to which the petitioner no. 2 also sustained grievous injury on his head. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

9. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.



10. Considering the aforesaid facts and circumstances of the case, let the above named petitioner no. 2 (Md. Samim), in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Purnea in connection with Barhara P.S. Case No. 19 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with the following condition/s:-

(i). The petitioner no. 2, (Md. Samim) is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

11. The application for the petitioner no. 2 (Md. Samim) stands allowed.

(Chandra Prakash Singh, J)

guddukr/-

U		T	
---	--	---	--

