

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41588 of 2023

Arising Out of PS. Case No.-99 Year-2022 Thana- ASHOK PAPER MILL District-
Darbhanga

-
1. MD. SALIK @ SALIK BASIR son of Md. Bashir @ Md. Bashir Ansari
Village- Anar Koti Ps- Ashok Paper Mill Patori OP Dist- Darbhanga
 2. MD. SHAUKAT @ HIRA @ MD. SHAUKAT son of Late Gaffar Village-
Anar Koti Ps- Ashok Paper Mill Patori OP Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra

For the Opposite Party/s : Mr. Dr. Indivar Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Ashok Paper Mill (Patori O.P.) P.S. Case No. 99 of 2022 registered for the offences punishable under Sections 341, 447, 323, 324, 354(A), 379, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 assaulted Md. Samir by means of sickle as a result of which he sustained injury in palm. It is further alleged that petitioner no. 2 snatched a gold chain worth Rs. 50,000/- from the neck of the informant.



4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that there is inordinate delay in lodging the F.I.R. and there is admitted land dispute between both the parties which is evident from fardbayan itself. Learned counsel by referring annexure 3 of the petition submits that there is counter case filed by father of the petitioner no. 1 against the husband of informant and others. He further submits that there is no specific allegation of assault against petitioner no. 2 rather the allegation of snatching gold chain is nothing but super-addition. Petitioners bear criminal antecedent of one case in which they are on bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is specific overt-act of assault against petitioner no. 1 by means of sickle in F.I.R. which is corroborated by injury report, revealing sharp cut injury on right palm of injured Md. Samir as the same is evident from impugned order itself.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioner no. 2 Md. Shaukat @ Hira, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Ashok Paper Mill (Patori O.P.) P.S. Case No.99 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as, anticipatory bail prayer of petitioner no. 1 Md. Salik @ Salik Basir is concerned, I am not inclined to grant anticipatory bail to petitioner no. 1 as there is specific allegation of assault upon Md. Samir by means of sickle and the said fact is corroborated by injury report. Accordingly, prayer for anticipatory bail of petitioner no. 1 stands rejected.

(Alok Kumar Pandey, J)

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