

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41112 of 2023

Arising Out of PS. Case No.-161 Year-2022 Thana- BALIA BELON District- Katihar

1. Md. Riyaz @ Abul Kher @ Abul Khair Son Of Late Abdul Majid, Resident Of Village- Moulanapur, P.S.- Balia Belon, Distt- Katihar
2. Md. Aazad Son Of Late Abdul Majid, Resident Of Village- Moulanapur, P.S.- Balia Belon, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 448, 354, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution, F.I.R. has been lodged against five named accused persons including the present petitioner. The specific allegation against the petitioner no.1 is that he has assaulted the informant and when her husband came forward to save her then the petitioner no.1 has assaulted on his head due to which he injured.

4. Learned counsel for the petitioners submits that petitioners and the informant's side are family members and the husband of the informant and the petitioners are full brothers. Counsel further submits that from the content of F.I.R. it transpires that the date of occurrence is 31.10.2022 whereas the F.I.R. has been lodged on 12.12.2022. Counsel further submits that for the same date and place of occurrence, two F.I.R. have been lodged, first is Balia Belon P.S. Case No. 161 of 2022 and second is Balia Belon P.S. Case No. 162 of 2022. Counsel further submits that antecedent of the petitioners are clean.

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

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there are specific allegation against petitioner no.1 to assault the husband of informant.

7. In response thereof counsel for the petitioners submits that injury report of the informant's husband is annexed with the petition by which it transpires that all the injuries are simple in nature and made by hard and blunt substance.

8. In the present facts and circumstances that there are case and counter case from both the sides, let the above named

petitioners be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond to the satisfaction of learned Judicial Magistrate Ist Class, Katihar in connection with Balia Belon P.S. Case No. 161 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

(Dr. Anshuman, J.)

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