

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41393 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- DHURAIYA District- Banka

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1. MD. LUTTO @ MD. RAHMATULLAH S/o Late Md. Rustam @ Late Rustam R/o Village- Bishanpur, P.S.- Dhoraiya, District- Banka
 2. Md. Guljar @ Md. Gulrej S/o Late Md. Rustam @ Late Rustam R/o Village- Bishanpur, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 20-02-2023 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.

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

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 341, 323, 325, 307, 504 and 506 read with section 34 of the Indian Penal Code.

As per the prosecution case, when the informant was coming to his home, on the way the petitioners stopped him and started abusing. On being objected, the petitioner no. 1 Md. Lutto assaulted the informant on his head with iron rod and the



petitioner no. 2 Md. Guljar also assaulted the informant with iron rod. When the nephew of the informant came to rescue, he was also assaulted by the co-accused Md. Ubesh and Md. Saddam, causing injury on his head and hand. It is further alleged that the petitioner no. 1 Md. Lutto also snatched a gold locket from the neck of the informant.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. He has submitted that the informant sustained simple injury caused by hard and blunt substance. There is case and counter case between the parties. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Banka in connection with Dhoraiya P.S. Case No. 198 of 2021,



subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

1. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Chandra Prakash Singh, J)

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