

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42156 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- MADHAURAH District- Saran

1. AZAD ALAM Son of late Aisuddin Mian Resident of village - Narayan Chak, P.S. - Madhaura, Distt. - Saran
2. Khurshid Alam Son of Late Aisuddin Mian Resident of village - Narayan Chak, P.S. - Madhaura, Distt. - Saran
3. Motin Ahmad Son of Maisuddin Mian Resident of village - Narayan Chak, P.S. - Madhaura, Distt. - Saran
4. Md. Amin @ Amin Ahmad @ Md. Amin Ali Son of Maisuddin Mian Resident of village - Narayan Chak, P.S. - Madhaura, Distt. - Saran
5. Ayub Alam Son of Khurshid Alam Resident of village - Narayan Chak, P.S. - Madhaura, Distt. - Saran
6. Shahid Ali Son of Amjad Ali Resident of village - Narayan Chak, P.S. - Madhaura, Distt. - Saran
7. Murshid Alam Son of Late Mustakim Mian Resident of village - Narayan Chak, P.S. - Madhaura, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 2 (Khurshid Alam).

3. Permission is accorded.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323,



324, 307, 504, 506, 379 and 34 of the Indian Penal Code.

5. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that petitioners intercepted him and started abusing for filing a case, on protest, it is alleged that Azad pulled him from his bicycle, Khurshid and Ayub caught his neck and on orders of Amin, accused Motin assaulted by *Dab* causing injury on head and Murshid snatched his golden chain while Shahid took out Rs. 18,00/- from his pocket.

6. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant with precision has implicated all the accused persons attributing certain roles to them. It is next submitted that though it is alleged that Motin assaulted him by *Dab* causing injury on head, but then from perusal of the injury report which was produced by the learned counsel for the informant, it would manifest that the informant did not receive injury on head rather received injury on his thigh and one of the injuries on thigh is said to be grievous, but then it is submitted that there is no allegation of assaulting by any of the accused on his thigh. It is next submitted that it appears that



the informant fell and got injured and thereafter the present false case came to be instituted.

7. Learned A.P.P. for the State along with learned counsel for the informant opposes the prayer for anticipatory bail of the petitioners but are not able to rebut the submissions of the learned counsel for the petitioners that Motin is alleged to have assaulted him by dab causing injury on head, but then no injury was found on the head.

8. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Morhowrah P.S. Case No. 36 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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