

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45361 of 2023

Arising Out of PS. Case No.-461 Year-2021 Thana- JAMUI District- Jamui

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1. Md. Naushad Son Of Late Md. Firaj Resident Of Village- Aamin Dundo, PS- Jamui, District- Jamui
 2. Md. Usman @ Malik Usman Son Of Late Md. Malik Subhan, resident Of Village- Amin Dundo, PS- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanju Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. Heard the learned counsel for the petitioners and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Jamui P.S. Case No.461 of 2021, registered for the offences under Sections 147, 148, 149, 341, 323, 325, 307, 447, 427, 379, 504, 506 of the Indian Penal Code.
3. The case of the prosecution, in brief, according to the informant, is that while the informant, namely, Md. Yusuf had gone to take tea near the Panchayat Bhawan on 27.10.2021, the FIR named accused persons, numbering 18 in all,



along with 10-12 unknown persons, variously armed, had arrived there, whereupon the petitioner no.2 had exhorted to kill the informant, whereafter the accused persons, including the petitioners herein had assaulted the informant. It is further alleged that the petitioner. 1 had assaulted the informant by rod on his leg, resulting in him sustaining fracture injury, while the petitioner no.2 had assaulted the informant on his hand. It is also alleged that when the son of the informant had arrived there to rescue the informant, he was also assaulted by the petitioner no.1 on his head, whereafter they had committed loot in the house of the informant, as also pelted stones on the house of the informant.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled, hence the petitioners be



granted the privilege of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case and taking into consideration the materials available on record as also considering the fact that the informant has not only sustained serious injuries but has also sustained fracture injury, as is apparent from the impugned order dated 26.05.2023, which are attributable to the petitioners herein, I do not find the present case to be at least a case for grant of anticipatory bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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