

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42661 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- AAJAM NAGAR District- Katihar

1. MOHAMMAD SHARSHAH @ MOHAMMAD SHERSHAH ALAM SON OF MD. YUNUS R/O VILLAGE- AZAMNAGAR SOUTH TOLA, P.S.- AZAMNAGAR, DISTRICT- KATIHAR
2. SHAHIDA KHATOON WIFE OF MD. BIPAD R/O VILLAGE- MARHICHOLHAR, P.S.- AZAMNAGAR, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Musowir, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2023 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, 307, 353, 34 of the Indian Penal Code and Section 25(1-B)A/26/35 of Arms Act.

3. The prosecution story, in brief, is that on 22.01.2023, the informant along with police personnel had gone to investigate the different places. When they reached near Marhi entered into the courtyard of the petitioner no.2, some unknown persons tried to flee away on seeing them. Petitioner no.2 assaulted the police party with sword repeatedly. One of the co-



accused persons tried to snatch the pistol from the possession of police personnel. On search, a pistol was recovered from the possession of co-accused Wazir.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific allegation of firing against co-accused Md. Wazir. The injuries sustained by the injured are simple in nature. Petitioners have one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the injuries sustained by the injured were found simple in nature, let the above named petitioners, be released on 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 of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor



Court in connection with Azamnagar P.S. Case No. 24 of 2023,
subject to the condition as laid down under Section 438 (2) of
the Cr.P.C.

(Anjani Kumar Sharan, J)

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