

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43317 of 2023

Arising Out of PS. Case No.-420 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

1. Khurram @ Md. Wali Hassan, S/o- Aley Hassan Village- Hussainpur P.S.-
Mojahidpur Dist- Bhagalpur
2. Ushman, S/o Late Mudin Village- Hussainpur, P.S.- Mojahidpur District-
Bhagalpur
3. Khushru @ Amir Khushru, S/o Ushman, Village- Hussainpur P.S.-
Mojahidpur, Dist- Bhagalpur
4. Dularey @ Md. Rehan Alam, S/o Ushman, Village- Hussainpur P.S.-
Mojahidpur, District- Bhagalpur
5. Chhotu @ Md. Furkan, S/o Ushman, Village- Hussainpur, P.S.- Mojahidpur,
District- Bhagalpur

... .. 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. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mojahidpur P.S. Case No. 420 of 2022 registered for the offences punishable under Sections 341, 323, 308, 504, 354, 506/ 34 of the Indian Penal Code.

3. As per the prosecution case, the accused persons came with *danda* and assaulted the informant and her daughters when they opposed with respect to over flowing of water from the roof.

4. Learned counsel for the petitioners submit that



petitioners are the next door neighbors and due to flowing of water, the free fight took place between the parties. There is case and counter case between the parties. He further submits that prosecution party was aggressor and it appears that the injury found on the person injured is simple in nature. Petitioners have no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Mojahidpur P.S. Case No. 420 of 2022, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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