

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45215 of 2023

Arising Out of PS. Case No.-93 Year-2021 Thana- KALYANPUR District- East Champaran

1. MAHTAB ALAM @ MD. MAHTAB ALAM S/O LATE MAHMOOD ALAM R/O VILLAGE- ALAKHBANI, PS. KALYANPUR, DIST. EAST CHAMPARAN
2. MD. MOZAHIR ALAM S/O MD. HABIBULLAH R/O VILLAGE- ALAKHBANI, PS. KALYANPUR, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha
For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-08-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Kalyanpur P.S. Case No. 93 of 2021, registered for the offence punishable under Sections 341, 323, 325, 379 and 307/34 of the Indian Penal Code.

3. The allegation is regarding an altercation having erupted in between the parties, whereupon as far as the petitioner no. 1 is concerned, he is stated to have assaulted the brother of the informant, namely, Imran Alam, by knife on his elbow, whereas the petitioner no. 2 is stated to have assaulted the informant on his head and right eye. It is also alleged that one Md. Sakil had



assaulted the informant resulting in the informant sustaining fracture injury on his elbow.

4. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that as far as the injuries, sustained by the informant and his brother, namely, Imran Alam, are concerned, which are attributable to the petitioners' overt act, the same have been found to be simple in nature.

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, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the injuries, sustained by the informant and his brother, namely, Imran Khan, attributable to the petitioners herein, have been found to be simple in nature, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran at Motihari, in connection with Kalyanpur P.S.Case No. 93 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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