

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46054 of 2023

Arising Out of PS. Case No.-278 Year-2022 Thana- PALASI District- Araria

1. MD. ROJID @ MD. ROJID ALAM SON OF MD. MAJEED RESIDENT OF VILLAGE- SHYAMPUR WARD NO. 12, PS- PALASI, DIST- ARARIA
2. MD. TASLIM @ TASLIM SON OF MD. MAJEED RESIDENT OF VILLAGE- SHYAMPUR WARD NO. 12, PS- PALASI, DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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

This application, for grant of anticipatory bail, arises out of Palasi Police Station Case No. 278 of 2022, dated 31.08.2022, disclosing offences under Sections 147/341/323/324/307/354B/379/504/506 of the Indian Penal Code.

The prosecution case, on the basis of the First Information Report, is that on 29.08.2022, in the evening, at about 08:00 PM, the petitioners along with other 15 named accused persons, armed with deadly weapons, arrived at the house of the informant, started abusing him and his family members and upon objection being made by the informant, the



accused persons including the petitioners assaulted the informant by fists, slaps, farsa, sword, etc. It has further been alleged that the co-accused Nasim assaulted the informant by means of farsa and co-accused Sabir assaulted the informant by means of sword causing him injury. When the informant's younger brother, namely, Sarfaraz (deceased), came to informant's rescue, the petitioner no. 1 and the co-accused Jasim assaulted informant's younger brother (deceased) by means of iron rod due to which he sustained serious injury on his person and during the course of treatment informant's younger brother-Sarfaraz died.

Learned Counsel for the petitioners submits that the allegation of assault upon deceased is against the petitioner no. 1 and co-accused Jasim, but there is no specific allegation of assault either upon the informant or his younger brother (deceased) against the petitioner no. 2. He further submits that the petitioner no. 2 was said to be the member of unlawful assembly and no overt act has been alleged against him. He next submits that the occurrence has taken place due to money dispute between the parties and injury caused to the informant is simple in nature.

Regards being had to the submissions made on



behalf of the parties and taking into consideration the fact that direct allegation of assault upon the deceased is against the petitioner no. 1 and there is no specific allegation of assault against the petitioner no. 2, accordingly, I am not inclined to grant the petitioner no. 1 privilege of anticipatory bail and the application in respect of petitioner no. 1 is rejected.

In so far as the petitioner no. 2 is concerned, there is no specific allegation against him of assaulting either the informant or his younger brother (deceased) and no overt act has been alleged against him, accordingly, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.

Let the petitioner no. 2, Md. Taslim, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Araria, in connection with Palasi Police Station Case No. 278 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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