

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49940 of 2022

Arising Out of PS. Case No.-53 Year-2017 Thana- PARSA District- Saran

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1. MUNNA MIAN @ MUNNA ALAM S/O TAJIM MIAN Resident of village- Bahar Marar, P.S.- Parsa, District- Saran
 2. MD. ANISH @ ANISH MIAN S/O TAJIM MIAN Resident of village- Bahar Marar, P.S.- Parsa, District- Saran
 3. SUGA MIAN @ MANUAR S/O HASIM MIAN Resident of village- Bahar Marar, P.S.- Parsa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Deo Singh, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard Mr. Vikram Deo Singh, learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

The petitioners apprehend their arrest in connection with Parsa P.S. Case No. 53 of 2017 for the offence registered under Sections 147, 148, 341, 323, 324, 325 and 307 of the Indian Penal Code.

The allegation in the FIR is that the accused persons attacked the informant's side armed variously and in the process assaulted the informant, his brother, Khalik Hussain also mother, Sabra Khatoon causing injuries to them. Accordingly,



the FIR was lodged.

Learned counsel for the petitioners submit that so far as these petitioners are concerned, the police had found the case to be untrue against them and final form was submitted but later on, in 2020, the cognizance was taken against them by the concerned Court necessitating the filing of the anticipatory bail earlier before the Sub-ordinate Court and later before this Court.

It is his further submission that so far as the allegation against the other accused persons of assault are/were concerned, in 2017 itself, they were extended the benefit of anticipatory bail.

Learned APP for the State, on the other hand, opposes the prayer stating that the matter is of 2017.

Taking into account the fact that the police had earlier submitted final form against them, subsequently cognizance taken in 2020 and as per paragraph 3, none of the petitioners are having criminal antecedent and others have been extended the relief, this Court is inclined to grant the same relief to these petitioners. If however, it is found that any of the petitioner is having criminal antecedent, the order so far as that petitioner is concerned, shall become infructuous.

Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIII, Chapra at Saran in connection with Parsa P.S. Case No. 53 of 2017 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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