

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49080 of 2023

Arising Out of PS. Case No.-413 Year-2022 Thana- PHULPARAS District- Madhubani

1. MD. MOZIBUL @ MD. MAZEBUL @ MD. MOZIBUR @ MD. MOSIKAR SON OF MD. NAZIR @ MD. NAZIR RESIDENT OF VILLAGE- SISAUNI, PS- PHULPARAS, DISTT- MADHUBANI
2. MD. KASIM SON OF MD. NAZIR @ MD. NAZIR RESIDENT OF VILLAGE- SISAUNI, PS- PHULPARAS, DISTT- MADHUBANI
3. MD. GULAM @ GULJAR @ MD. GULZAR @ MD. GULWAR @ GULAI ALAM SON OF MD. OLI MIYAN @ MD. OLI RESIDENT OF VILLAGE- SISAUNI, PS- PHULPARAS, DISTT- MADHUBANI
4. MD. MUMTAZ SON OF MD. RAUSHAN RESIDENT OF VILLAGE- SISAUNI, PS- PHULPARAS, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Kumar Bharti
For the Opposite Party/s :	Mr. Md. Shakir Ahmad
	Mr. Soban Asghar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-10-2023 Heard the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307 and other allied Sections of the Indian Penal Code.

3. The allegation against the petitioners is that the petitioners assaulted the informant's side by means of several weapons due to which they sustained injuries.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no



offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.1 namely, Md. Mozibul to assault the informant by means of iron rod due to which he sustained one grievous injury.

6. Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner no.1 namely, Md. Mozibul on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. However, as the injuries attributed towards the petitioner nos.2, 3 and 4 are simple in nature, let the above named petitioner nos.2, 3 and 4, 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



court below where the case is pending/Successor Court in connection with Phulparas P.S. Case No.413 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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