

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48946 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- JALE District- Darbhanga

1. MD. SAGIR @ SAGIR Son of Ainul Haque Resident of Village - Daghra, P.S.- Jailey, Distt.- Darbhanga.
2. Rahmat Ali Son of Zakir Hussain Resident of Village - Daghra, P.S.- Jailey, Distt.- Darbhanga.
3. Md. Asgar Son of Md. Hussain @ Mohammad Hussain Resident of Village - Daghra, P.S.- Jailey, Distt.- Darbhanga.
4. Md. Jamshed Son of Hussain @ Mohammad Hussain Resident of Village - Daghra, P.S.- Jailey, Distt.- Darbhanga.
5. Md. Ali Son of Md. Hussain @ Mohammad Hussain Resident of Village - Daghra, P.S.- Jailey, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53345 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- JALE District- Darbhanga

MD. ANWAR SHAH @ ANWAR ALI SHAH Son of Late Safiur Rahman
Shah R/V- Doghra, P.S- Jalley, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 70179 of 2022

Arising Out of PS. Case No.-164 Year-2021 Thana- JALE District- Darbhanga

MD. UMAR ALAM @ MD. UMAR @ MITHU Son of Md. Alim Rahman @
Md. Aliur Rahman @ Baliur Rahman R/v- Doghra ,P.S- Jalley, Dist-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 48946 of 2022)

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 53345 of 2022)

For the Petitioner/s : Mr.Syed Ashfaque Ahmed, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

(In CRIMINAL MISCELLANEOUS No. 70179 of 2022)

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-01-2023 Heard Mr. Amrit Abhijat, learned counsel appearing in Cr. Misc. No. 48946 of 2022 and Mr. Syed Ashfaque Ahmed in Cr. Misc. No. 53345 of 2022 as also the State namely Mr. Jitendra Kumar Singh, Mr. Surendra Kumar and Rajendra Nath Jha, learned APPs who are representing the State through video conferencing in view of the Covid-19.

The petitioners apprehend their arrest in connection with Jalley P.S. Case No. 164 of 2021 instituted under Sections 147, 149, 341, 323, 324, 325, 307 of the Indian Penal Code.

As per the prosecution story, the informant alleged that the accused persons armed variously assaulted the informant side and in the process, allegations have been attributed against all the accused persons/petitioners who are present in the present petitions.

Mr. Amrit Abhijat, learned counsel for the petitioner submits that so far as Md. Sagir as also Md. Jamshed and Md. Ali are concerned, there is no allegation of assault upon them.



So far as Md. Rahmat and Md. Umar is concerned, although there are allegation of assault, the same has been found to be simple in nature. Learned counsel further submits that irrespective of the result of the present petition, in view of the fact that there is an allegation of assault on a female member of the informant side by petitioner No. 3, Md. Asgar, he shall be paying Rs. 20,000/- to the injured, Juhi Ansari through Demand Draft issued by the local State Bank of India branch which will be deposited in the Nazarat of the concerned Court.

Mr. Syed Ashfaque Ahmad on the other hand submits that so far as the allegation of assault on Md. Anwar is concerned, the same has also been found to be simple in nature (which reflects from Annexure 2 series) which are part of the anticipatory bail application in Cr. Misc. No. 53345 of 2022. It is his further submission that there is counter case to the said occurrence also in which the petitioner side have also suffered injuries. However, good sense have prevailed between the agnates and now they have settled the matter (which forms Annexure 4 to the present petition).

Learned APPs who are appearing in the three petitions have opposed the prayer stating that all the accused persons armed variously assaulted the informant side.



Taking into account the fact that although there are allegation of assault on some of the accused persons, the same have been found to be simple in nature, the persons have also filed counter case showing injuries on their side, good sense have prevailed upon them and they are trying to sort out the differences it would be inappropriate to send them to jail. Accordingly, all the three anticipatory bail applications vide Cr. Misc. No. 48946 of 2022, Cr. Misc. No. 53345 of 2022 and Cr. Misc. No.70179 of 2022 are allowed subject to payment of Rs. 20,000/- to Ms. Juhi Ansari by Md. Asgar, as stated above.

Let the petitioners be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Jalley P.S. Case No. 164 of 2021 to the satisfaction of learned ACJM, Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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