

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59385 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- UJIYARPUR District- Samastipur

1. Md. Saddam, Son of Late Md. Manjur, Resident of Village- Ward No 13, Bhikhabhat Lohagir, Samastipur, Po- Lohagir , PS- Ujiyarpur, Distt- Samastipur
2. Md. Samjad, Son of Md. Firoz, Resident of Village- Ward No 13, Bhikhabhat Lohagir, Samastipur, Po- Lohagir , PS- Ujiyarpur, Distt- Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate
Mr. Pranav Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Ujiyarpur P.S. Case No. 97 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 354(B), 325, 379 and 504 of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, the accused persons along with these petitioners came at the house of the informant armed with lathi, danda and farsa, abused the informant and assaulted the informant and her husband. It is alleged that Md. Saddam (petitioner no. 1) inflicted farsa blow upon the informant due to which she sustained injuries on her feet. It is further alleged



that co-accused Md. Firoj assaulted on the head of the husband of the informant by means of iron rod due to which he sustained injury. It is also alleged that Md. Samjad (petitioner no. 2) tried to outrage the modesty of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is case and counter case between the parties. It is further submitted that the present case has been lodged with a delay of about 3 days and prior to the present case, one Sitara Praveen who is the mother of petitioner no. 2 had lodged a case against the informant and others being Ujiyarpur P.S. Case No. 100 of 2023 dated 03.04.2023 under Sections 147, 148, 149, 341, 323, 354(b), 379 and 504 of the Indian Penal Code.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case, the submission being that there is a case and counter case between the parties, the present case has been lodged with a delay of about 3 days and prior to the present case, one Sitara Praveen who is mother of petitioner no. 2 had lodged a case against the informant and others being Ujiyarpur P.S. Case No. 100 of 2023 dated 03.04.2023 under Sections 147, 148, 149, 341, 323, 354(b), 379 and 504 of the Indian Penal Code, this case is said to be a



counter blast of the earlier case and it is submitted that there is no injury to the informant and her husband and for that reason, no case under Section 307 IPC has been registered, the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Ujiyarpur P.S. Case No. 97 of 2023 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 learned S.D.J.M., Dalsinghsarai, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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