

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51846 of 2023

Arising Out of PS. Case No.-625 Year-2022 Thana- KUDHNI District- Muzaffarpur

1. Md. Soeb @ Md. Soaib @ Md. Shoaib Son Of Md. Abdul Wohhab (MD. Yohan), R/O-Naya Tola Kerma, P.S.-Kudhani (kurhani), Distt.-MUZAFFARPUR
2. Md. Faiaz @ Md. Faiyaz Son Of Md. Abdul Wohhab (MD. Yohan), R/O-Naya Tola Kerma, P.S.-Kudhani (Kurhani), Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Nitu Kumari, Advocate
For the Opposite Party/s :	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-08-2023 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Kudhani (Kurhani) P. S. Case No. 625 of 2022 registered on 14.12.2022 for the offences punishable under Sections 341, 323, 324, 307, 379, 447, 504 and 506/34 of the Indian Penal Code.

3. According to the prosecution, FIR has been lodged against four named accused persons including the present petitioners. Allegation in the FIR against the present petitioners are that they have attacked on the son of the informant by iron rod on his head, due to which bleeding started.

4. Learned counsel for the petitioners submits that the date of occurrence is 02.12.2022 where FIR has been lodged on 14.12.2022 i.e. about delay of 12 days. Counsel further submits that for the same date and place of occurrence, the case has been lodged by petitioner's side become injured and due to injury he was referred to SKMC, Muzaffarpur and his statement was recorded on 07.12.2022 and upon receiving information by the opponent that petitioner's statement has been recorded, they have filed the present case on 14.12.2022. Conclusively the petitioner's counsel submits that for the same date and place of occurrence dated 02.12.2022, there is a case and counter case which is annexed as Annexure-P-2. Counsel further submits that from the rejection order of ABP by the learned Additional District and Sessions Judge, it has been found that the injuries as alleged against the injured was simple in nature.

5. Learned APP for the State opposes the prayer for bail.

6. In the aforesaid facts and circumstances, let the above-named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like

amount each to the satisfaction of the learned Additional Chief
Judicial Magistrate Ist, West Muzaffarpur in connection with
Kudhani (Kurhani) P.S. Case No. 625 of 2022, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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