

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51609 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- SHRI NAGAR District- Madhepura

1. MD. SHAHABUDDIN, S/o Md. Hasamuddin, R/o village- Puraini, Ward No. 9, P.S.- Sringar, District- Madhepura
2. Md. Rasid, S/o Md. Azim, R/o village- Puraini, Ward No. 9, P.S.- Sringar, District- Madhepura
3. Md. Rashiv @ Md. Rasim, S/o Md. Azim, R/o village- Puraini, Ward No. 9, P.S.- Sringar, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 10-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Srinagar P.S. Case No. 129 of 2021 registered for the offences punishable under Sections 341, 323, 325, 307, 354, 427, 379, 504 and 506 read with Section 34 of the Indian Penal Code.

As per the prosecution case, the petitioner is said to



have assaulted the husband of the informant on his right shoulder with rod causing injury to him. The co-accused Md. Alauddin assaulted the informant with *farsa* causing injury on her head and the co-accused Md. Ziyauddin assaulted the informant with rod causing fracture injury on her left hand and other accused prsons also assaulted the informant by catching hold of her hair and also tore her clothes and disrobed her. The co-accused Md. Sarajul assaulted the father-in-law of the informant with iron rod causing fracture injury on the right hand. The informant further alleged that the accused Md. Rasid and the other accused persons entered her house and snatched Rs. 2,100/- from the box as well as mobile phone.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. He has further submitted that the allegation against the petitioner no. 1, Md. Shahabuddin is to assault on the shoulder of the informant but the injury report shows that there is no injury on the shoulder of the informant. There is no specific allegation of overt act and assault against the petitioner no. 2 and 3, Md. Rashid and Md. Rashiv rather there is general and omnibus allegation. Learned counsel has



further submitted that the petitioners have got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Madhepura in connection with Srinagar P.S. Case No. 129 of 2021, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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