

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56043 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- KHAGARIA District- Khagaria

1. Md Jainul S/O Md Jalil R/O Village- Hajipur, Ps. And Dist. Khagaria
2. Md. Ehsaan S/O Md. Jainul R/O Village- Hajipur, Ps. And Dist. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and the learned
Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Khagaria P.S. Case No. 60/ 2023 registered for the offence punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code (for brevity 'IPC').

3. It is alleged that the informant as well as the accused persons are running shops in the same locality. Petitioners have, allegedly, indulged in sale of contraband, which was objected to by the informant. In retaliation thereto, petitioners have assaulted the informant by means of 'blade' and 'rod'.

4. Learned counsel for the petitioners submits that



altercation occurred over trivial dispute between the parties, who as per the First Information Report (for brevity 'F.I.R.') also having small shops in the same locality. There was dispute between the parties over location of their shops. The informant has filed medical prescription in support of allegation from which, it is obvious that certain medicines have been prescribed. There is no injury report to sustain the allegation of assault by means of 'blade' and 'rod'. Petitioners have no criminal antecedents. There is delay in lodging of the F.I.R., as the occurrence relates to 19-01-2023 and 20-01-2023, whereas F.I.R. has been lodged on 21-01-2023, one day after the informant is said to have been treated at the Sadar hospital.

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

6. Having regard to the submissions advanced by the petitioners' counsel, having regard to the nature of allegations, clean antecedents and the alleged injuries not been supported by injury report, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M. Khagaria, in connection with Khagaria P.S. Case No. 60/2023, subject to the following conditions:

- (i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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