

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57037 of 2023

Arising Out of PS. Case No.-116 Year-2023 Thana- SUPAUL District- Supaul

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1. Md. Zuber, S/O Md. Sabbir, R/O Village- Basbitti, Ward No. 08, P.S. Supaul, Dist. Supaul, State- Bihar
 2. Md. Sabbir, S/O Md. Idris, R/O Village- Basbitti, Ward No. 08, P.S. Supaul, Dist. Supaul, State- Bihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2023 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 Supaul P.S. Case No. 116 of 2023 registered for the offenses punishable under Sections 323, 341, 325, 307, 504, 324, 379 and 34 of the Indian Penal Code. The petitioners have no criminal antecedent.

3. As per the prosecution story, on 15.02.2023 at about 12:00 P.M. the informant with the help of a mechanic removed the electric wire of one Md. Sabbir who used to connect his electric wire with that of the informant. Thereafter, the petitioners along with 2-3 unknown persons armed with various weapons came at her door and started abusing her. Md.



Sabbir ordered other co-accused to kill her upon which Md. Zuber assaulted on her hand by means of iron rod. Md. Sabbir assaulted the husband of the informant by means of Dabiya. Md Zuber also misbehaved with the daughter of the informant and assaulted her by means of dabia.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is further submitted that there is case and counter-case between the parties.

5. Learned counsel submits that the injury report of the informant and one Karasat Ali are shown to be simple in nature.

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

7. Having regard to the facts and circumstances of the case wherein it is submitted that there is a case and counter case between the parties with respect to the alleged occurrence, the alleged occurrence took place on 15.02.2023 but the FIR was lodged on 16.02.2023 and the injury reports are showing only simple injuries to the informant and Karasat Ali caused by hard and blunt substance and further submission that both the parties have suffered injuries and no case under Section 307 IPC may



be made out, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners shall be released on bail in connection with Supaul P.S. Case No. 116 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 the learned Chief Judicial Magistrate, Supaul subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. 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.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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