

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57048 of 2023

Arising Out of PS. Case No.-179 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. Md. Dilshad Son Of Md. Nematullah Resident of Village- Pansalla, P.S.- Khodawandpur, District- Begusarai
2. Md. Danish Son Of Md. Nematullah Resident of Village- Pansalla, P.S.- Khodawandpur, District- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, 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 Khodwandpur P.S. Case No. 179 of 2023 registered for the offenses punishable under Sections 323, 341, 385, 325, 379, 308, 427, 504, 34 of the Indian Penal Code. The petitioners have no criminal antecedent.

3. As per the prosecution story, on 12.06.2023 at about 06:30 P.M. the informant was sitting at his door, one Noor Alam @ Lala came to his house in drunken state, started abusing him and demanded Rs.50,000/- from him. It is also alleged that these two petitioners armed with iron rod assaulted the informant due to which he sustained head injury. The



petitioner no. 1 also assaulted the informant's sister due to which she became unconscious. Md. Nematullah is said to have snatched the gold chain of the informant's sister as also the documents related to land and other precious ornaments.

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 and both the sides have allegedly assaulted each other.

5. Learned counsel submits that the injury report of the informant and her sister 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 are case and counter case between the parties, both the sides have allegedly assaulted each other and the injury found over the body of the informant and Jeenat Parveen are simple in nature, the submission being that in this case Section 308 IPC may not be attracted and the allegation of theft is a super addition, 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 shall be



released on bail in connection with Khodawandpur P.S. Case No. 179 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, Begusarai 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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