

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56872 of 2022

Arising Out of PS. Case No.-69 Year-2022 Thana- ABADPUR District- Katihar

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1. MD TAMTUL S/o- Late Penka, R/o Village- Sikarpur, P.S.- Abadpur, District- Katihar
 2. Saijiya Khatoon @ Saajiya Khatoon W/o- Beko, R/o Village- Sikarpur, P.S.- Abadpur, District- Katihar
 3. Md. Mamum S/o- late Lumha, R/o Village- Sikarpur, P.S.- Abadpur, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 09-01-2023 Heard the learned counsel for the petitioners as well as Mr. Ram Bilash Roy Raman, the learned APP for the State assisted by the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Abadpur P.S. Case No. 69 of 2022 registered for offence punishable under sections 341, 323, 324, 307, 427, 504, 506/34 of the Indian Penal Code.

As per allegation, when the informant went to visit her field, thirteen named accused persons, including the petitioners equipped with stick, sickle, etc. prohibited the informant from raising hut and they badly assaulted the



informant, her husband and *Devar*. The specific allegation against petitioner no. 1, Md. Tamtul is of inflicting sickle and *lathi* blow on the hand of Md. Ajimuddin, who sustained sharp cut grievous injuries in his hand.

The learned counsel for the petitioners has submitted that there is specific allegation against petitioner no. 3, Md. Mamum to assault the informant, but she has sustained simple injuries. He has submitted further that there is case and counter case and the petitioners are the persons of clean antecedents. He has also submitted that in counter case, the members of defense side have also sustained grievous injuries.

The learned counsel for the informant as well as Mr. Ram Bilash Roy Raman, the learned APP have opposed the prayer for bail and submitted that the accused persons badly assaulted the members of prosecution side and they have caused grievous injuries to them.

Considering the above-mentioned facts and circumstances, the prayer for anticipatory bail with respect to petitioner nos. 2 and 3 is allowed. Let petitioner **nos. 2 and 3**, in the event of their arrest or surrender, within four weeks from today, **be released on bail** on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Abadpur P.S. Case No. 69 of 2022, subject to condition as laid down under section 438(2) of the Code of Criminal Procedure.

So far as **petitioner no. 1 is concerned**, there is specific allegation that he assaulted Md. Ajimuddin, who sustained grievous injuries on the vital part, as such, I am not inclined to grant him bail. Accordingly, **his prayer** for anticipatory bail is rejected. However, if he surrenders before the court below and files regular bail petition, that shall be disposed of without being prejudiced by this order.

(Nawneet Kumar Pandey, J)

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