

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56987 of 2022

Arising Out of PS. Case No.-485 Year-2022 Thana- MADHEPURA District- Madhepura

1. Md. Israfil @ Md. Israful, S/O Md. Suleman Resident Of Village- Mithai, Ward No- 03, P.S.- Madhepura, District- Madhepura.
2. Md. Ishaque @ Md. Ishak @ Md. Isak, S/O Md. Suleman Resident Of Village- Mithai, Ward No- 03, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354(B), 379, 504, 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that when she went to attend the call of nature on 24.05.2022, Md. Israfil came and started molesting her, on alarm, her husband came and he fled. It is next alleged that in the night, the accused persons including the petitioners came



variously armed and Md. Ishaque assaulted the informant with an iron rod causing fracture of hand Md. Israfil assaulted her husband by rod causing injury on head and thereafter, Md. Israile assaulted her mother-in-law by sword causing cut injury on head. Further, other accused persons assaulted other family members as detailed in the F.I.R.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that it absolutely does not stand to reason that if petitioner no.1 had molested the informant, then why no F.I.R. was instituted after the occurrence. It is further submitted that petitioners and the informant are neighbours and on account of dispute, an altercation took place in which, both sides assaulted each other.

Learned A.P.P. opposes the bail application and submits that Md. Ishaque is alleged to have assaulted by an rod causing fracture of hand of the informant and the petitioner Md. Israfil is alleged to have assaulted the husband of the informant by rod causing injury and from perusal of the injury report, it appears that opinion is reserved.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the



event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Madhepura in connection with Madhepura P. S. Case No.485 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioners shall verify the injury report of the injured and in the event, if it is found that informant and her husband had suffered grievous injury, then the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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