

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67484 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- BARSOI District- Katihar

1. Mohammad Salim, S/O Md. Rafique, R/O Village- Bajitpur, P.S. Barsoi, Dist. Katihar.
2. Mohammad Aatib @ Atibur Rahman, S/O Late Rafique, R/O Village- Bajitpur, P.S. Barsoi, Dist. Katihar.
3. Dil Nawaj, S/O Md. Israil, R/O Village- Bajitpur, P.S. Barsoi, Dist. Katihar.
4. Mojibul, S/O Late Ainuddin @ Pehua, R/O Village- Bajitpur, P.S. Barsoi, Dist. Katihar.
5. Mohammad Israil, S/O Late Jahiruddin, R/O Village- Bajitpur, P.S. Barsoi, Dist. Katihar.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Md. Manowar Hussain, Rabia Gulnaz and Komal Kumari, Advocates
For the Opposite Party	:	Mr. Pranav Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 18-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Barsoi P.S. Case No. 93 of 2023 dated 31.03.2023 for the offence punishable under Sections 307, 323,



324, 341 and 504/34 of the I.P.C.

4. As per the prosecution case, the petitioners are alleged to have surrounded the informant and thereafter Md. Salim (petitioner no. 1) assaulted him with knife on his head, due to which, he sustained injury.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that although the doctor opined injuries grievous in nature, i.e., incised looking cut wound on frontal region right sides of dimension 3 C.M. in length and by sharp object. It is further submitted that there is no repetition of blow of knife on the informant. Hence, Section 307 of the I.P.C. is not made out in the present case against the petitioner no. 1. It is further submitted by learned counsel for the petitioners that the matter has already been compromised between the parties. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State and learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Barsoi P.S. Case No. 93 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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