

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66660 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- SINGHESHWAR District- Madhepura

1. MD. SAIYAAD @ MD. SAIYYAD Son of Md. Akhtar Resident of Village- Jhitkiya Police Station- Singheshwar, District- Madhepura
2. MD. AMUN Son of Late Md. Gulshan Resident of Village- Jhitkiya Police Station- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav

For the Opposite Party/s : Mr. Arvind Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-03-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 325, 307, 379, 504 and 506/34 of the Indian Penal Code pending in the learned court below.

There is allegation against the petitioner no.1 that he assaulted the injured person, namely, mustafa and there is allegation against petitioner no.2 to assault Md. Amun by means of Iron rod by which he injured and his left hand fractured.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. He further submits that petitioners are named in the FIR but there are no specific overt act against the petitioners. He submits that petitioners and informant are agnate to each other and the case is of false implication of the petitioners due to enmity. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Per contra, learned APP for the State vehemently opposing the bail application and submitted that the allegation levelled as the petitioner no.2 is serious in nature and the injury found upon the victim is grievous in nature which is also clear from the injury report enclosed in the case diary. Hence, they do not deserve anticipatory bail.

Considering the facts and circumstances of the case and the fact the the injury found upon the victim is grievous in nature, I am not inclined to enlarge the petitioner no.2 on bail in connection with Singheshwar P.S. Case No. 287 of 2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

Insofar petitioner no.1 is concerned, the injury found upon the victim is simple in nature, let the petitioner no.1, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of



Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties
of the like amount to the satisfaction of the learned Court below,
where the case is pending/Successor court, in connection with
Singheshwar P.S. Case No.287 of 2021, subject to the condition
as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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