

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70995 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- AAJAM NAGAR District- Katihar

1. MD. SOHIL @ MD. SOHIL ALAM @ SOHIL ALAM @ MD. SAHIL Son of Late Mahboob Alam Resident of Village-Belbari Madarsa Tola, Police Station-Azam Nagar, District-Katihar.
2. MAHMADI KHATOON Wife of Md. Sohil @ Md. Sohil Alam Resident of Village-Belbari Madarsa Tola, Police Station-Azam Nagar, District-Katihar.
3. MD. SANOWAR @ SANOWAR @ SANOWER ALAM Son of Md. Sohil @ Md. Sohil Alam Resident of Village-Belbari Madarsa Tola, Police Station-Azam Nagar, District-Katihar.
4. SANAURI KHATOON @ SANORI KHATOON Wife of Nayeem Akhtar, D/o Md. Sohil @ Md. Sohil Alam Resident of Village-Belbari Madarsa Tola, Police Station-Azam Nagar, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 354(B) and 308/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioners along with others are said to have assaulted the informant and her family members by means of *lathi*, *danda*, *sword* and *iron rod*.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. He further submits that there is case and counter case between the parties and both sides have sustained injuries. He submits that there is allegation against the petitioner no.2 who assaulted the injured person namely, Md. Sabab and there is no specific overt act against rest of the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail and submits that petitioner no.2 assaulted Md. Sabab and injury found upon him is grievous in nature which is clear from the impugned order itself. Hence, he does not deserve bail.

6. Considering the nature of the offence, I am not inclined to enlarge the petitioner no.2 in connection with Azam Nagar (Salmari O.P.) P.S. Case No.271 of 2023. Accordingly, his prayer for anticipatory bail hereby rejected.

7. Insofar as rest of the petitioners are concerned, there is allegation against them to assault the informant and her family members and injury was found simple in nature, let the petitioner nos.1, 3 and 4, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on



furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each 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 Azam Nagar (Salmari O.P.) P.S. Case No.271 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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