

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70568 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- RAGHOPUR District- Supaul

1. MD. ALI HASAN S/O Late Md. Kulat Miyan @ Gulav R/O Village- Etawa, P.S- Raghobpur, District- Supaul
2. Md. Tahir S/O Md. Alihasan R/O Village- Etawa, P.S- Raghobpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 22-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Radhopur P.S. Case No. 210 of 2021, registered for the offence punishable under Sections 147, 341, 323, 324, 307, 354(A), 379, 504 and 506 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that on the alleged date and time of occurrence, the accused persons, including the petitioners herein were trying to obstruct the way of the informant leading to his house, whereupon the accused persons including the petitioners herein had assaulted the informant.



The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioner no. 1 is concerned, he is aged about 78 years and a general and an omnibus allegation has been levelled, however, as far as the petitioner no. 2 is concerned, it is submitted that he is alleged to have given a dabia blow on the mouth of one Md. Hasim. Nonetheless, the learned counsel for the petitioners has referred to the injury report, annexed as Annexure-3 series to the present petition, to submit that the injuries, sustained by the said Md. Hasim, has been found to be simple in nature. In such view of the matter, it is prayed that the petitioners be admitted to the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled qua the petitioner no. 1 while the petitioner no. 2 has though been alleged to have assaulted one



Md. Hasim, but the Doctor has found his injuries to be simple in nature, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate 1st, Birpur, Supaul, in connection with Raghopur P.S.Case No. 210 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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