

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71059 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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1. MD. RAJJAK @ MD RAJJAK Son of Late Fakir Kujra @ Md. Fakir R/v-
Bharam Nawatol P.S.- Bhairavshthan, District- Madhubani
 2. MD. RASHUL @ MD. RASUL Son of Md. Rajjak @ Md. Rajak R/v-
Bharam Nawatol P.S.- Bhairavshthan, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. MD. NEYAMAT Son of Late Fakir Kujra @ Md. Fakir R/v- Bharam
Nawatol P.S.- Bhairavshthan, District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-05-2023 Heard Mr. Md. Anis Akhtar, learned counsel for the

petitioners and Mr. Murli Dhar, learned Additional Public

Prosecutor appearing for the State.

Learned counsel for the petitioners submits that
during pendency of this application, petitioner No. 1 Md. Rajjak
has been arrested. Accordingly, he seeks permission to withdraw
this application against petitioner No. 1.

Permission is granted.

Accordingly, this application against petitioner No. 1
is dismissed as withdrawn.

So far as petitioner No. 2 is concerned, he apprehends



his arrest in connection with Bhairavshthan P.S. Case No. 108 of 2022 dated 12.6.2022 registered for the offence punishable under Sections 341, 323, 324, 307, 354-A, 379, 427, 504 and 506/34 of the Indian Penal Code.

As per the First Information Report, on the date of occurrence i.e. 7.6.2022 at around 3-4 PM some children were plucking mango from the mango tree of the informant and upon objection being made by the grand son of the informant, all accused persons variously armed abused and assaulted the informant and his family members.

Learned counsel for the petitioner submits that both the parties are family members and petitioner No. 1 is own brother of the informant. He next submits that there is case and counter case between the parties inasmuch as Bhairavshthan P.S. Case No. 105 of 2022 has been lodged by petitioner No. 1 against the informant and others. Learned counsel next submits that the allegation against the petitioner No. 2 is of assaulting the informant by means of *Farsa* near his eye but upon perusal of the injury report which is annexed as Annexure-3 it would be evident that the injury caused to the informant is simple in nature.

Regards being had to the submission made by the



parties and taking into consideration the materials on record and the fact that both the parties are close relative, there is case and counter case between them and the injury caused to the informant is simple in nature, I am inclined to grant anticipatory bail to the petitioner No. 2.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner No. 2, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Jhanjharpur, Distt. Madhubani, in connection with Bhairavshthan P.S. Case No. 108 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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