

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72471 of 2022

Arising Out of PS. Case No.-92 Year-2020 Thana- BAHERI District- Darbhanga

1. TABASSUM PRAVEEN W/o Aftab Alam R/v- Rajkha, P.S.- Baheri, District- Darbhanga
2. SANZIDA KHATOON @ NOORI PRAVEEN W/o Abdul Hannan R/v- Rajkha, P.S.- Baheri, District- Darbhanga
3. MD. MASOOK S/o Late Bali Mohammad R/v- Rajkha, P.S.- Baheri, District- Darbhanga
4. ABDUL HANNAN S/o Late Bali Mohammad R/v- Rajkha, P.S.- Baheri, District- Darbhanga
5. MD. SHAHID S/o Abdul Razique R/v- Rajkha, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad,Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Baheri P.S. Case No.92 of 2020, registered for the offences punishable under Sections 341, 342, 323, 324, 307, 354, 504, 506 and 34 of the Indian Penal Code

The accused persons including the petitioners herein are stated to have arrived at the shop of the informant, where his brother Hasmat



Ali was sitting and then the petitioner no.3 is alleged to have assaulted the informant on his head, but the informant is stated to have resisted by his hand, resulting in him sustaining injury on his hand, whereafter, all the accused persons had assaulted him and his brother resulting in them sustaining injuries.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they has been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a bare perusal of the impugned order dated 30.09.2022, would show that as far as the informant is concerned, there is no injury report, but the injury report of one Hasmat Ali and Md. Shakeel is on record, which shows that they have sustained minor injuries, however the petitioners have not been alleged to have engaged in any sort of specific overt act qua the said two injured persons, thus, the petitioners be granted the privilege of anticipatory bail.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that though the petitioner no.3 has been alleged to have assaulted the informant, however there is no injury report of the informant on the record of the case and instead injuries have been found on the person of Hasmat Ali and Md. Shakeel, which are not serious in nature, nonetheless the fact remains that the petitioners have not been alleged to have engaged in any sort of specific overt act qua them and a general and omnibus allegation has been levelled upon the petitioners, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in



the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Darbhanga in connection with Baheri P.S. Case No.92 of 2020, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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