

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75189 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- BELDOUR District- Khagaria

1. MD. AZAD SON OF ABUL QASIM R/O VILLAGE- DIGHAUN, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)
2. MD. ASZAR SON OF ABUL QASIM R/O VILLAGE- DIGHAUN, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)
3. MD. SADDAM @ MD. SODDAM SON OF ABUL QASIM R/O VILLAGE- DIGHAUN, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)
4. MD. SHAHBAJ @ SHAHWAS SON OF ABUL QASIM R/O VILLAGE- DIGHAUN, P.S.- BELDAUR, DISTRICT- KHAGARIA (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Minnatullah, Advocate
For the Opposite Party/s : Mr.Md. Ataur Rahman, 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.

This is an application for grant of anticipatory bail in connection with Beldour PS case no. 293 of 2021, registered for the offences punishable under Section 307 and other allied sections of the Indian Penal Code and Section 27 of Arms Act.

The accused persons including the petitioners herein are alleged to have constructed a hut on the private *raiya* land of the informant and when the informant and his family members had reached there, the accused persons had



assaulted them, resulting in them sustaining grievous injuries. As far as petitioner no. 1 is concerned, he is alleged to have fired in air, however, the allegation of assault is mainly against one co-accused person namely Md. Abujar, who is stated to have assaulted the informant and his brothers.

The learned counsel for the petitioners submits that petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that as far as the petitioners are concerned, they have not been alleged to have engaged in any sort of overt act, much less assaulted the members of the prosecution side, hence, they are having no complicity in the matter.

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 parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners and they have not been alleged to have engaged in any sort of overt act, I deem it fit and appropriate to admit the petitioners to the



privilege of anticipatory bail.

Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Khagaria in connection with Beldour PS case no. 293 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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