

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79162 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- BARSOI District- Katihar

1. MD. HASIM Son of Late Samwa @ Md. Sanwa Resident of village - Baskota Govindpur, Police Station - Barsoi, District - Katihar
2. Md. Asraf @ Md. Asraf Alam Son of Md. Piyaru Resident of village - Baskota Govindpur, Police Station - Barsoi, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Md. Ziaul Quamar, Adv.
For the Opposite Party/s :	Mr.Kumar Veerendra Narayan, APP.
	Mr. Harish Chandra Patel, Adv.
	Mr. Dhananjay Kumar Gupta, Adv.
	Mr. Rananjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-12-2023 Heard learned counsels for the parties.

2. Learned counsel for the petitioners seeks permission to withdraw this application on behalf of petitioner no.1.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

5. Now this application survives for petitioner no.2.

6. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 379, 307, 506, 34 of the Indian Penal Code.



7. Allegedly, all the accused persons including the petitioner are said to have assaulted the informant's side brutally with deadly weapons. They also took away some jewelries.

8. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. Both the parties are agnates. Petitioner has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. A title suit being Title Suit No. 1 of 2023 is also going on between the parties. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

9. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that the informant has sustained grievous injury, hence the petitioner does not deserve privilege of anticipatory bail.

10. Having regard to the facts and circumstances of the case, as there is general and omnibus allegation against the petitioner no.2, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Barsoi P.S. Case No. 255 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, this bail application stands partly allowed.

(Anjani Kumar Sharan, J)

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