

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12881 of 2024

Arising Out of PS. Case No.-429 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Md. Aftab Son Of Md. Mahtab Resident Of Village -Begampur P.S.- Warisnagar Mathurapur O P Distt- Samastipur
2. Md. Mahtab Son Of Late Akhatar Hussain Resident Of Village -Begampur P.S.- Warisnagar Mathurapur O P Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-03-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Waris Nagar (Mathurapur O.P.) P.S. case No. 429 of 2023 instituted for the offences under Sections 341, 323, 324, 307, 326, 504, 506 and 34 of the Indian Penal Code.

3. Prosecution story, in short, is that, on the alleged date and time of occurrence, all the accused persons came with knife and started assaulting the informant and his wife with knife, as a result they sustained injuries.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case.



Petitioner no.1 is nephew and petitioner no.2 is the brother of the informant. Learned counsel further submitted that there is general and omnibus allegation against these petitioners. There is case and counter-case between the parties. Learned counsel further submitted that there is old land dispute between the parties. Learned counsel further submitted that, as per FIR, there is allegation of assault with knife, whereas in the injury report no knife injury was found and, in fact, all the injuries are found to be simple in nature caused by hard and blunt substance. It has been submitted on behalf of the petitioners that the petitioners are in custody since 26.11.2023 and have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, general and omnibus allegation, counter-case between the parties, clean antecedent as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Waris Nagar
(Mathurapur O.P.) P.S. case No. 429 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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