

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18462 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- PURNEA SADAR District- Purnia

1. Md. Naieem S/O Late Abdul Rahim R/O Village- Nur Nagar Lakhan Jhari, P.S- Sadar, Distt.- Purnia.
2. Sajeed S/O Md. Naieem R/O Village- Nur Nagar Lakhan Jhari, P.S- Sadar, Distt.- Purnia.
3. Md. Sahanwaz @ Sahanwaz S/O Md. Naieem R/O Village- Nur Nagar Lakhan Jhari, P.S- Sadar, Distt.- Purnia.
4. Aashif S/O Md. Naieem R/O Village- Nur Nagar Lakhan Jhari, P.S- Sadar, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners submits that during the pendency of this anticipatory bail application petitioner no. 2, namely, Md. Sajjid and petitioner no. 3, namely, Md. Sahnawaz @ Sahnawaz have been arrested and such this application as against the petitioner nos. 2 and 3 has become infructuous.

3. Accordingly, this application as against petitioner nos. 2 and 3, namely, Sajeed and Md. Sahnawaz is dismissed as



having become infructuous.

4. The anticipatory bail application, now, confines to petitioner nos. 1 and 4.

5. The petitioner nos. 1 and 4 apprehends arrest in connection with Sadar P.S. Case No. 29 of 2024 dated 09.01.2024, instituted for the offence punishable under Sections 447, 341, 323, 307, 379/34 of the Indian Penal Code.

6. The prosecution case, in short, is that on the date of occurrence the informant's son Mujaffar started to build pucca construction. Suddenly, the above named petitioners came on the spot and assaulted the son of the informant. Accused persons broke the door of the shop and Naeem took out Rs. 40,000/-. Accused Naeem and Sajeed intentionally strangulated throat of informant's son by electric wire and Sahanawaz gave an iron rod blow on his chest. Informant and his other son Wasim were also assaulted by the accused persons. The accused Aashif snatched Rs. 15,000/- from the informant's son.

7. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that there is specific allegation against Md. Sahnawaz @ Sahnawaz who assaulted on the chest of informant's son, namely, Wasim. It is submitted that there is no specific allegation of assault against the petitioners. It is also



submitted that petitioner no. 1 is full brother of the informant. It is further submitted that there is civil dispute between the parties. Lastly, it has been submitted that they have no criminal antecedents.

8. Learned A.P.P. has opposed the prayer for bail of the petitioner nos. 1 and 4.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner nos. 1 and 4, namely, Md. Naeem and Aashif in connection with Sadar P.S. Case No. 29 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Purnea, subject to condition as laid down under Section 438(2) of the Cr.P.C..

10. The application stands disposed of.

(Khatim Reza, J)

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