

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22296 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- VIDYAPATINAGAR District- Samastipur

1. Munna Miyan @ Md. Munna S/O Md. Kalam Miyan @ Abdul Kalam R/O Village- Babhangawan, P.S- Vidyapatinagar, Distt.- Samastipur.
2. Laddan Miyan @ Md. Irshad @ Md.Laddan Miyan S/O Md. Badrul Miyan @ Badrul Miyan R/O Village- Babhangawan, P.S- Vidyapatinagar, Distt.- Samastipur.
3. Md. Kalam Miyan @ Abdul Kalam S/O Late Asgar Ali R/O Village- Babhangawan, P.S- Vidyapatinagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.
For the Opposite Party/s : Mr. Umanath Mishra,, APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-04-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 379 and 34 of the I.P.C.
3. Learned counsel for the petitioner submits that daughter of the petitioner no. 3 was married to the son of the informant. It is further submitted that the son of the informant and daughter of the petitioner no. 3 obtained divorce through Sharia Law as pleaded at para eight of the anticipatory bail application. It is next submitted that petitioner no.1 and



petitioner no.2 are son and nephew of the petitioner no. 3. It is next submitted that since divorce was obtained by the son of the informant and the daughter of the petitioner no. 3 prior to institution of the instant FIR, then why, the petitioner would have indulged in assaulting the son of the informant when no relationship was existing in between him and the daughter of the petitioner no. 3.

4. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners and submits that there is direct and specific allegation against the petitioners of assaulting the son of the informant brutally by an iron rod causing injury, but then, fairly submits that the order impugned does not mention the nature of injury suffered by the son of the informant.

5. Learned counsel for the petitioners also submits that he does not have any institution on the issue.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court, within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Vidyapatinagar (Ghatho O.P.) P.S. Case No. 06 of 2024.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the injury report of the injured and in the event if it is found that injured suffered grievous injury on vital part of the body in that event the learned trial court shall cancel the provisional anticipatory bail bonds of the petitioners and if the injury is found simple or there is no injury report on record in that event the provisional anticipatory bail bonds shall be accepted on the same terms and conditions.

(Satyavrat Verma, J)

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