

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27891 of 2024

Arising Out of PS. Case No.-421 Year-2023 Thana- WARISNAGAR District- Samastipur

1. Md. Jamsed @ Md. Jamshaid SON OF MD. SABBIR RESIDENT OF VILLAGE- WARD NO. 3, NAYA TOLA GOHI, PS- WARIS NAGAR, DIST- SAMASTIPUR
2. MD. SABBIR @ SABBIR SON OF LATE MD. HANEEF RESIDENT OF VILLAGE- WARD NO. 3, NAYA TOLA GOHI, PS- WARIS NAGAR, DIST- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Warisnagar P.S. Case No. 421 of 2023 instituted under Sections 147,148,341,323,307,447,504 and 506 of the Indian Penal Code.

3. Prosecution story in brief is that on 08.11.2023 at 05:10 PM while the informant was at his home, Md. Sabeer, Md. Jamshed, Md. Sonu, Noor Azam, Md. Mansoor and three unknown persons entered into the house of the informant and abused them and when the informant asked them not to abuse, petitioner No. 2 ordered the petitioner No. 1 who assaulted the informant on his head causing cut wound and when the



informant's wife came to rescue the informant, petitioner No. 2 assaulted on her head. On cry both sons came and saved them and all accused persons assaulted both sons also and threatened the informant.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely implicated in this case. There has been unexplained delay in lodging of the FIR. The date of occurrence is 08.11.2023 and the present FIR has been lodged on 21.11.2023 after lapse of 13 days. Learned counsel for the petitioners submitted that the injury received by the informant and others are simple in nature. The date and time of examination is not mentioned in the injury report. It is submitted that the petitioners have also lodged a case against the informant and his family members bearing Warisnagar P.S. Case No. 442 of 2023. Petitioners have clean antecedent.

5. Learned Special PP has opposed the prayer for bail.

6. 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 petitioners within a period of six weeks from today, in connection with Warisnagar P.S. Case No. 421 of 2023, they will be released on 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 Chief Judicial Magistrate, Samastipur subject to condition as laid down under Section 438(2) of the Cr.P.C.,

7. The application stands allowed.

(Khatim Reza, J)

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