

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22798 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- KADWA District- Katihar

1. Samser son of Late Rafik R/o Ghaparsiya, Ward No.-4, P.S.- Kadwa, Dist.- Katihar
2. Md. Sali @ Sali Reza Son of Habib R/o Ghaparsiya, Ward No.-4, P.S.- Kadwa, Dist.- Katihar
3. Ajmat Son of Samser R/o Ghaparsiya, Ward No.-4, P.S.- Kadwa, Dist.- Katihar
4. Abu Nasar Son of Samser R/o Ghaparsiya, Ward No.-4, P.S.- Kadwa, Dist.- Katihar
5. Md. Hazari Son of Late Jamaluddin R/o Ghaparsiya, Ward No.-4, P.S.- Kadwa, Dist.- Katihar
6. Md. Bhutwa @ Bhotwa Son of Manjoor R/o Ghaparsiya, Ward No.-4, P.S.- Kadwa, Dist.- Katihar
7. Rehmat @ Rahmat @ Rahmat Ali son of Samser R/o Ghaparsiya, Ward No.-4, P.S.- Kadwa, Dist.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh
For the State	:	Mr. Rabindra Kumar- A.P.P.
For the Informant	:	Mr. Md. Ejaz Akhter

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 28-03-2024 1. Heard learned counsel for the petitioners,

learned counsel for the informant and learned APP for the

State.
2. The learned counsel for the petitioner seeks

permission to withdraw the present anticipatory bail

application with respect to petitioner no.1, namely, Samser.



3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, namely, Samser.

5. The rest petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

6. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and on account of dispute relating to land, they have been falsely implicated in the instant case with general and omnibus allegation. It is next submitted that specific allegation of assault is against Ajmal, who is alleged to have assaulted Raj Kumar by an iron rod causing injury on head. Abu Sama, who is alleged to have assaulted informant by lathi and butt of pistol. It is further submitted that Abu Sama is not a petitioner in the present anticipatory bail application. It is also submitted that as far as other petitioners are concerned, the allegation against them are general and omnibus in nature.



7. Learned A.P.P. along with learned counsel appearing on behalf of the informant opposes the submission of the learned counsel appearing on behalf of the petitioners, but are not in a position to rebut his submission that the allegation of assault is specific against Ajmat, Samser and Abu Sama, but the learned counsel appearing on behalf of the informant submits that though in the order impugned, it has been recorded that the injury suffered by the injured is simple in nature, but Raj Kumar has suffered grievous injury.

8. 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 Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Katihar in connection with Kadwa P. S. Case No.264 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.



10. However, it is made clear that the learned trial Court before accepting the bail bonds of Ajmat (petitioner no.3) shall verify the injury report of Raj Kumar and in the event, if it is found that Raj Kumar has suffered grievous injury on head, in that event, the present anticipatory bail application shall not be given effect to with respect to Ajmat (petitioner no.3).

(Satyavrat Verma, J)

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