

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34145 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- ARA NAGAR District- Bhojpur

1. Mehar @ Md Mehar Hassan, Son of Md. Khurshid Anwar R/o Choudhriyana, Chowk Ara, P.S.- Ara Town, P.O.- Ara, Dist.- Bhojpur 802301, Bihar
2. Prince @ Harun Iqbal, Son of Md. Khurshid Anwar R/o Choudhriyana, Chowk Ara, P.S.- Ara Town, P.O.- Ara, Dist.- Bhojpur 802301, Bihar
3. Sikandar @ Md. Faiz Azam Son of Md. Khurshid Anwar R/o Choudhriyana, Chowk Ara, P.S.- Ara Town, P.O.- Ara, Dist.- Bhojpur 802301, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar

For the Opposite Party/s : Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-08-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 147, 148, 149, 307, 323, 379, 448, 504 and 506
of the Indian Penal Code.

3. The learned counsel for the petitioners submits
that the petitioner no.1 has antecedent of one case,
petitioner no.2 has antecedent of two cases and petitioner
no.3 has antecedent of five cases. It is next submitted that



the informant alleges that his brother Sahid Ali, who lives with his in-laws came on 13.10.2023 at 2.30 P.M. along with his brother in-laws namely, Prince, Sikandar, Mehar and Md. Ajju to his house and snatched the keys from his mother and took away 120 grams of jewellery along with cash of Rs.8,30,000/- and when the informant requested to return the amount, the accused persons called him along with *Panches* to their house. Accordingly, the informant went to the house of the petitioners where he was asked to come at 10.00 P.M. again. Accordingly, the informant went at 10.00 P.M. when he was assaulted by sword on head by petitioner nos.2, 3 and Sahid Ali.

4. The learned counsel for the petitioners submits that petitioner no.1 is a student of B-Pherma and petitioner nos.2 and 3 work as Engineer. It is further submitted that criminal antecedents with the petitioners carries have been instituted by Md. Nadeem Alam and his associates, who is a close friend of the informant and a Title Suit is pending in between Nadeem and petitioner no.3 being Title Suit No.116 of 2022. It is further submitted that petitioners are brother



in-laws of Sahid Ali, who is own brother of the informant, as such, they have been implicated in the instant case with false and frivolous allegation. It is also submitted that it absolutely does not stand to reason that had the petitioners gone to the house of the informant and thereafter, had taken jewellery and cash as alleged, whether Sahid Ali would have called the informant to his in-laws' house. It is also submitted that from perusal of the Annexure-5, it would manifest that the injury report records:- *wound on heads 2cm x 2cm, pain and swelling on left knee and pain in whole body*, which amply demonstrates that the allegation of assault as alleged does not get corroborated from the injury report. It is also submitted that petitioners will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

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 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 Chief Judicial Magistrate, Bhojpur in connection with Ara Town P. S. Case No.854 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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