

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51789 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- JAMOBABAZAR District- Siwan

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1. Saheb Hussain Son Of Late Ali Akbar Village- Bishunpura, Ps- Jamo, Dist- Siwan
 2. Aslam Alam Son Of Late Ali Akbar Village- Bishunpura, Ps- Jamo, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Jamo Bazar P.S. Case No. 113 of 2024 dated 10.04.2024, lodged under Sections 341, 342, 447, 323, 325, 307, 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioners against whom there is an allegation that all the accused persons entered in the house of the informant and started assaulting informant's husband due to which he was badly injured and his leg was fractured.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the criminal antecedent of the petitioners are clean. Counsel further submits that the petitioners are agnate of the informant and the dispute took place between two full brothers. Counsel submits that for the same date and place of occurrence, there is case and counter case filed by both the parties. Counsel further submits that on previous occasion, case diary as well as injury report has been called for.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against petitioner no.2 of assault by axe on the head of the informant's husband due to which he was badly injured. Counsel submits that injury report Afsar Ali is there and there are in total seven injuries in which, injury no.1, 2, 3, 4 and 7 are simple in nature, whereas, injury no.5 and 6 are grievous in nature.

6. As such, considering the aforesaid facts and circumstances, let the above named petitioner no.1 be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) with two



sureties of the like amount each to the satisfaction of the Judicial Magistrate, Siwan in connection with Jamo Bazar P.S. Case No. 113 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C.

7. So far as petitioner no.2 is concerned, this Court is not inclined to grant bail to him. Accordingly, the prayer for anticipatory bail of the petitioner no.2 is hereby rejected.

8. It is made clear that the present FIR lodged is the result of dispute between two full brothers, therefore, it is directed to the petitioner no.2 to surrender before the learned Court below within a period of 4 weeks from today. In case, he surrendered within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner no.2 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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