

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57099 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- MOUZHIDPUR District- Bhagalpur

1. Md. Jawed Khan @ Md. Jawaid Khan Son Of Late Md. Kalim Khan Resident Of Village- Ganichak, Ps- Majohidpur, Distt- Bhagalpur
2. Shahid Khan @ Shahid Anwer Khan @ Md. Shahid Anwer Khan Son Of Late Md. Kalim Khan Resident Of Village- Ganichak, Ps- Majohidpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Nurul Hoda

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 22-04-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 308, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners and the informant are full brothers and on account of dispute relating to property, the present false case has been instituted against the petitioners alleging that petitioners along with their wives came with some persons in the market and assaulted him and his wife by knife and butt of pistol, further as detailed in the FIR the accused persons including the petitioners



also assaulted other family members. It is further alleged that earlier also the petitioner had assaulted causing injury in the ear drum which was operated by the doctor and was cured, but later again they assaulted causing fracture of legs.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case with an allegation that they assaulted the informant and his wife by knife and butt of pistol. It is further submitted that there is dispute relating to property and both sides are filing cases against each other. It is further submitted that from perusal of the injury report, it is not clear that as to whether the injury suffered was caused by a sharp-edged weapon or not, but then it is submitted that the petitioner never assaulted the informant and his wife by knife.

5. The learned APP, Mr. Chandra Bhushan Prasad opposes the anticipatory bail application and submits that there is a direct allegation of assault by the petitioner to the informant and his wife by knife, but then fairly submits that injury report (Annexure-3) does not record that whether injury was caused by sharp-edged weapon or hard and blunt substance.

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) each 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 Mojahidpur P.S. Case No. 148 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, the learned trial court shall verify the injury report of the injured, in the event if it is found that the injury suffered by the injured is grievous or simple caused by sharp-edged weapon in that event the provisional bail bonds shall be cancelled immediately, but if the injury suffered by the injured is by hard and blunt substance and not grievous, in that event the provisional anticipatory bail bonds of the petitioners shall be confirmed on the same terms and conditions.

(Satyavrat Verma, J)

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