

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62441 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- BARAUNI District- Begusarai

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1. Md. Rabban, aged about 45 years, Gender- Male, son of Late Md. Taiyab,
 2. Md. Saheb, aged about 20 years, Gender- Male, son of Md. Rabban,
Both resident of Ward No.16, Pipra, Devas, Gachhi Tola, P.S.- Barauni,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 17-12-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Barauni PS Case No.173 of 2024 dated 30.05.2024, instituted
under Sections 448, 341, 323, 307, 354 (Kha), 379, 504, 506/34
of the Indian Penal Code.

3. The allegation against the petitioner no.1 is that he
assaulted the informant as well as his sister on their heads by
means of iron rod. Petitioner no.2 is alleged to have assaulted
the brother of the informant on his head by means of *Gandasa*
when he came to save his brother. Petitioner no.1 is also alleged
to have snatched gold ear ring from the sister of the informant.



4. Learned counsel for the petitioners submits that allegation against the petitioner no.1 is that he assaulted the informant and his sister with iron rod and petitioner no.2 assaulted Md. Javed by means of *Gandasa* on his head, but the injury reports do not support the allegation against the petitioners. It is further submitted that there is case and counter case between the parties. A complaint case has been lodged by the wife of the petitioner no.1 bearing Complaint Case No.926 of 2024 on 03.06.2024. It is further submitted that from perusal of injury report of the informant and his brother it appears that after primary treatment the injured were referred to Sadar Hospital for CT scan and opinion was reserved, but the injured did not go Sadar Hospital for CT scan. The doctor has opined the injuries of all the injured as simple in nature. Learned counsel further submits that one Md. Maqbool, who is the father of the injured person, has sworn an affidavit on 20.07.2024 that after primary treatment his two sons did not go to Sadar Hospital for CT Scan. It is further submitted that the case has been compromised between the parties outside the Court. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP 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 or surrender before the Court below within six weeks from today, the petitioners 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, Begusarai, in Barauni PS Case No.173 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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