

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63152 of 2024

Arising Out of PS. Case No.-76 Year-2020 Thana- KHUTAUNA District- Madhubani

1. Md. Sabir Son of Late Thethar Village- Ekhatta, P.S.- Khutauna, District- Madhubani
2. Md. Seraj @ Md. Siraj @ Sanraj Son of Late Samir Village- Ekhatta, P.S.- Khutauna, District- Madhubani
3. Md. Ishtiyak @ Iliyas @ Md. Iliyas @ Istoyak Son of Late Samim Village- Ekhatta, P.S.- Khutauna, District- Madhubani
4. Md. Imtiyaz @ Mohammad Imtiyaj @ Moham Imtiyaj Son of Late Samir Village- Ekhatta, P.S.- Khutauna, District- Madhubani
5. Md. Jakir @ Jakir Son of Late Thethar Village- Ekhatta, P.S.- Khutauna, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 17-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his goat went missing on 08.06.2024, accordingly the informant went in search of his goat when the accused



persons including the petitioners in an inebriated condition assaulted him, further Md. Sabir along with Md. Ashik assaulted him by lathi causing injury near his eyes, further Md. Jakir assaulted Sarista Parween by knife causing injury on her hand, further when people gathered, accused fled and injured were taken to Khutauna hospital.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is also submitted that police after investigation submitted charge sheet under bailable sections, but then the learned Magistrate differing with the police report took cognizance under Section 307 of the IPC also read with other sections. It is next submitted that when one Investigating Agency based on a threadbare investigation came to a considered conclusion that Section 307 of the IPC is not made out in the nature of allegation and injury suffered by the injured whether it would be prudent for this Court to send the petitioners to jail based on an order of cognizance which came to be taken based on the same police report which did not find the case true under Sections 307 of the IPC.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



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 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 Khutauna P.S. Case No. 76 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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