

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72484 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- HATHAURI District- Muzaffarpur

1. Md. Hasibur Rahman @ Hasiur Rahman Son of Md. Sharif Rahman R/o- W.No-8, Near Masjid Village- Barheta Gangaram Lohsari Muzaffarpur, Dist- Muzaffarpur
2. Dilkash Raza @ Md. Dilkash Raja Son of Md. Hasibur Rahman Village- Barheta Gangaram Lohsari Muzaffarpur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Manini Jaiswal, Adv.
For the Opposite Party/s :	Mr. Dr. Ajeet Kumar, APP.
	Mr. Abhishek Anand, Adv.
	Mr. Tahsin Nayyar Siddiqui, Adv.
	Ms. Sristy Patel, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-10-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend their arrest in connection with Hathauri P.S. Case No. 126 of 2024 registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 109, 329(3), 352, 351(2), 303(2) of Bharatiya Nyaya Sanhita, 2023.

3. Allegedly, all the FIR named accused persons including the petitioners are said to have abused and assaulted the informant and his brothers brutally by means of deadly weapons due to which they sustained injuries.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is an admitted land dispute between the parties. Both sides have filed cases against each other. Learned counsel further submits that nothing specific has been alleged against these petitioners. They have three criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail. Learned counsel for the informant submits that there is direct allegation against the petitioners to assault the informant brutally by means of iron rod causing grievous injury to him on his head. Hence, both the petitioners do not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the nature of the injury sustained by the informant on his head i.e grievous, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

7. However, if the petitioners surrender before the learned



Court below within six weeks from today and seek regular bail,
the learned Court below shall pass order on the same day in
accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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