

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82035 of 2023

Arising Out of PS. Case No.-369 Year-2023 Thana- GORAUL District- Vaishali

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1. MD. MERAJ ALAM SON OF MD. SAKUR R/O VILLAGE- CHEHARA KALA, P.S.- GORAUL (KATHARA O.P.), DIST.- VAISHALI
 2. MD. MAZHAR ALAM SON OF MD. SAKUR R/O VILLAGE- CHEHARA KALA, P.S.- GORAUL (KATHARA O.P.), DIST.- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-01-2024 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, 354B, 379, 504, 506, 34 of the Indian Penal Code.

3. Allegedly, all the accused persons including these petitioners, armed with deadly weapons, came at the informant's house and started abusing her. Petitioner no.1 assaulted the informant with iron rod and tried to outrage her modesty and when her husband Md. Noor Alam came there to rescue her, petitioner no.1 gave a sword blow on the head of the husband of the informant which hit on his leg. Petitioner no.2 assaulted one



Md. Mozahid, brother-in-law of the informant. They also looted valuable articles worth Rs. 2,50,000/- from her house.

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 ever took place. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Both the parties are agnates and there is admitted land dispute between them. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that there is serious allegation against petitioner no.1 that he assaulted the informant's husband by means of sword as a result of which he sustained grievous injury. Hence, he does not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as the injury caused by petitioner no.2 to injured Md. Mojahid Jahir is simple in nature, let the above named petitioner no.2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees



Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Goraul P.S. Case No. 369 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. However, there is serious allegation against petitioner no.1 to assault the husband of the informant as a result of which he sustained grievous injury, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for bail of the petitioner no.1 is hereby rejected.

8. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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