

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86063 of 2023

Arising Out of PS. Case No.-224 Year-2023 Thana- CHAKAI District- Jamui

1. Md. Irshad Son of Md. Alijan Resident of Village- Nagdi, P.S.- Chakai, District- Jamui.
2. Md. Siraj @ Md. Seraj alam Son of Md. Alijan Resident of Village- Nagdi, P.S.- Chakai, District- Jamui.
3. Md. Samir S/o Md. Alijan Resident of Village- Nagdi, P.S.- Chakai, District- Jamui.
4. Md. Sonu Son of Md. Alijan Resident of Village - Nagdi, P.S.- Chakai, District- Jamui.
5. Md. Shamshad Son of Md. Alijan Resident of Village- Nagdi, P.S.- Chakai, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Chakai P.S. Case No. 224 of 2023 dated 09.07.2023 instituted for the offence punishable under Sections 147, 148, 149, 448, 341, 323, 307, 354(B), 337, 379, 504, 506, 427 of the Indian Penal Code.

3. The prosecution case, in short, is that on 09.07.2023 at about 8.30 pm, the petitioners along with other



co-accused persons, armed with lathi, iron rod, hockey stick, entered the house of the informant and assaulted him and his family members. Petitioner no. 4, Md. Sonu is said to have assaulted on the head of informant's brother by iron rod, which caused serious injury. Petitioner no. 2 assaulted Md. Niyamant Miyan, due to which he sustained injury in his hand. Petitioner no. 1 torn the cloth of the informant's sister and he also snatched her gold earrings. Petitioner no. 3, namely, Md. Samir is said to have assaulted the informant and Petitioner no. 5, namely, Md. Shamshad assaulted the younger brother of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that a complaint case bearing complaint case no. 960 of 2023 has been lodged from the petitioners' side for the same occurrence, which is pending for enquiry. Learned counsel for the petitioners submits that four persons have sustained injury and all the injuries are simple in nature. Learned counsel for the petitioners further submits that there is a land dispute between the parties. Lastly, it has been submitted that petitioner no. 2 has one criminal case against him while others have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for



anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Chakai P.S. Case No. 224 of 2023, they shall be released on anticipatory 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 Additional Chief Judicial Magistrate-III, Jamui subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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