

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2277 of 2024

Arising Out of PS. Case No.-283 Year-2020 Thana- CHHATAPUR District- Supaul

-
1. Md. Izhar @ Md. Izhar Alam Son of Md. Firoz Resident of Village-Ramnagar, Police Station-Chhatapur, District-Supaul.
 2. Md. Kaushar son of Md. Fulhasan Resident of Village-Ramnagar, Police Station-Chhatapur, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Arun, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Chhatapur P.S. Case No. 283 of 2020, registered for the offences punishable under Sections 341, 447, 323, 324, 307, 504, 506/34 of the Indian Penal Code.

3. Allegedly while the informant was taking tea at the tea shop, in the meantime, co-accused Md. Firoj Haji came and started abusing and assaulting him. Soon thereafter, the petitioners, including the other FIR named accused persons, armed with various weapons came at his house and petitioner



no. 2 assaulted Md. Hibjul by means of sword, whereas petitioner no. 1 assaulted one Md. Atikur Rahman by means of *farsa* over his head.

4. It is submitted on behalf of the petitioners that the present case is nothing but a counter blast of Chhatarpur P.S. Case No. 282 of 2020 which has been filed by the members of the petitioners side against the informant and others. Moreover the injury which is allegedly sustained to the informant and others are concerned, all are simple in nature and that is why the same has not even been discussed in the impugned order. Taking note of the aforesaid fact, the petitioners have not been even sent up for trial, however, differing with the final report, the learned trial court has taken cognizance for the offence alleged against the petitioners and, thus, the necessity of the present application. He lastly submitted that the petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the specific allegation has been levelled against the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that after



investigation, the petitioners have not been sent up for trial and differing with the final report cognizance has been taken, coupled with the fair antecedent and the simple nature of injury, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 A.C.J.M.-V, Supaul in connection with Chhatapur P.S. Case No. 283 of 2020, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

