

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6972 of 2025

Arising Out of PS. Case No.-372 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Md. Ainul @ Amrun Miyan @ Aynur Miya S/o Md. Abdul Gaffar R/o vill - Mirchaiyatola, Daulatganj, P.S. - Bhagwan Bazar, Distt.- Saran at Chapra
2. Md. Ali S/o Md. Ainul @ Amrun Miyan @ Aynur Miya R/o vill - Mirchaiyatola, Daulatganj, P.S. - Bhagwan Bazar, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15-02-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Bhagwan Bazar P.S. Case no.372 of 2023 registered under sections 307, 341, 323, 379, 504 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the accused persons including the two petitioners herein came and started to assault the informant and the members of her family. It is stated that while petitioner no.1 caught hold of her father-in-law, the petitioner no.2 and Noor Mohammad assaulted him with a knife leading to grievous injuries. He was taken to the sadar hospital from where he was referred to PMCH



for treatment.

4. Learned counsel for the petitioners submits that the prayer for anticipatory bail of the petitioners was rejected vide order dated 26.10.2024 (Annexure-1). It is submitted that there is no allegation of overt-act so far as petitioner no.1 is concerned. With respect to petitioner no.2, it is submitted that the allegation is on petitioner no.2 and Noor Mohammad both of having assaulted the father-in-law of the informant. As against assault by two persons with a knife, only one injury has been found. Further, Noor Mohammad has been enlarged on regular bail vide order dated 24.4.2024 passed in Cr. Misc. no.14305 of 2024. The petitioners are in custody since 25.11.2024.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration that there is allegation of assault on petitioner no.2 Md. Ali leading to grievous injury having been found in the stomach, the Court is not inclined to enlarged the said petitioner no.2 on bail and the application is rejected.

7. However taking into account that only one injury had been found and the same being a reason for grant of regular bail to co-accused Noor Mohammad vide order dated 24.4.2024,



liberty is granted to the petitioner no.2 Md. Ali to renew his prayer for bail after framing of charge or after four months, whichever is later.

8. In view of the facts and circumstances of the case, the allegation of assault with a knife not being on petitioner no.1 Md. Ainul together with his being in custody since 25.11.2024 , he is directed to be enlarged on bail in connection with Bhagwan Bazar P.S. Case no.372 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Saran at Chapra.

(Partha Sarthy, J)

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