

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62083 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Shamsheer Nut S/o Mustakim Nut Resident of Village- Jamuni Dih, P.S- Phulwaria, District- Gopalganj
2. Lasim Nut S/o Bahir Nut Resident of Village- Jamuni Dih, P.S- Phulwaria, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Shrivastava
For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 17-01-2025 Considering the submission of learned counsel for the petitioner, learned counsel for the petitioner is permitted to correct the name of petitioner no.2, as Lajim Nut in place of Lasim Nut, during course of the day.

2. Heard learned counsel appearing on behalf of the parties.

3. The petitioners apprehend their arrest in connection with Phulwaria P.S. Case No.71 of 2024 registered for the offence under Sections 341, 323, 325, 354, 307, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioners is to have assaulted the informant by means of lathi, danda, etc.



along with other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. It is submitted that no specific allegation as regard to assault has been levelled against these petitioner rather the specific allegation has been levelled against other co-accused person, namely, Jalaluddin Nat. It is submitted that it appears from perusal of injury report that all the injuries found to be simple in nature. It is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioner and as specific allegation as regard to assault has been levelled against other co-accused person and as it appears from injury report of Sunita Khatoon that doctor found the injury as (1) abrasion present in right temporal region of scalp and (2) abrasion present over forehead and same are simple in nature and injury report of Alauddin Nat, doctor found the injury (1) tenderness with swelling with restricted on left ring finger and the same is simple in nature, let the above-named both



petitioners be released on anticipatory bail in the event of their arrest or surrender before the trial court within a period of six weeks from today on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XVI, Gopalganj in connection with Phulwaria P.S. Case No.71 of 2024 subject to the condition laid down under Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

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