

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70654 of 2024

Arising Out of PS. Case No.-145 Year-2022 Thana- MUSAHARI District- Muzaffarpur

1. Md. Zahid Son of Late Md. Sakur Resident of Village -Chapra Megh (Bankul Jori Par), PS -Mushahri District -Muzaffarpur
2. Md. Sajid Son of Md. Zahid Resident of Village -Chapra Megh (Bankul Jori Par), PS -Mushahri District -Muzaffarpur
3. Nazma Khatoon Wife of Sahid Resident of Village -Chapra Megh (Bankul Jori Par), PS -Mushahri District -Muzaffarpur
4. Nasreen Khatoon Daughter of Md. Zahid Resident of Village -Chapra Megh (Bankul Jori Par), PS -Mushahri District -Muzaffarpur
5. Sajrun Khatoon @ Sajrul Khatoon Wife of Md. Zahid Resident of Village -Chapra Megh (Bankul Jori Par), PS -Mushahri District -Muzaffarpur
6. Md. Afroz Son of Md. Qurban R/o village - Jalalpur, PS - Mushahari, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Punam Shrivastava, Advocate
For the Opposite Party/s : Dr. (Mr.) Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 29-01-2025 1. Learned counsel for the petitioners submits that the name of petitioner no. 2 has been described as Sahid in the cause title of the anticipatory bail application when his name is Sajid and, thus, seeks permission to correct the description of petitioner no. 2 in course of the day.
2. Permission is accorded.
3. Heard learned counsel for the petitioners and learned A.P.P. for the State.



4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 447, 504, 506 and 34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code has been added.

5. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and petitioners no. 4 and 5 are women. It is further submitted that petitioners and the informant's side are related and are having dispute and the informant alleges that on 29.05.2022 at 07:00 p.m. Md. Sahid came at his door and started abusing and when the same was protested, he started assaulting the informant and thereafter all the accused persons came and assaulted the informant. Further, the brother-in-law of the informant, namely, Md. Quddus came to save him when he was also assaulted by the accused persons causing injury and thereafter Md. Quddus was taken to the hospital for treatment.

6. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is general and omnibus in nature. It is further submitted that no doubt, it is alleged that Md. Quddus was assaulted but then the allegation of assault is



not specific. It is next submitted fairly that Md. Quddus, during the course of treatment, died, as such, Section 302 of the Indian Penal Code was added in the FIR. It is also submitted that after the death of Md. Quddus in hospital during the course of treatment the dead body was taken by the informant and his family members and the same was cremated, as such, no postmortem of the body could be done and the said fact is recorded at para 39 of the case diary that informant subsequently informed the police also that they took the dead body from the hospital and cremated it. It is submitted that since the postmortem of the dead body was not done and allegation of assault is not specific, as such, it is difficult to believe that as to whether Md. Quddus was even assaulted in the manner as alleged or not. It is further submitted that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each 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 Mushahri (Muzaffarpur) P.S. Case No. 145 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioners despite giving assurance to this Court are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Satyavrat Verma, J)

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