

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75016 of 2024

Arising Out of PS. Case No.-665 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Md Taiyab @ Md Taiyab Alam, Son of Md Mosim @ Musso, Resident of Village- Saharsa Basti, Ward No. 44, P.S.- Saharsa, District- Saharsa
 2. Md Monu @ Md Sahid Raza, Son of Batto @ Md. Jafir, Resident of Village- Saharsa Basti Ward No. 44, P.S.- Saharsa, District- Saharsa
 3. Md Mosim @ Musso, Son of Late Shaukat Ali @ Late Soukat, Resident of Village- Saharsa Basti Ward No. 44, P.S.- Saharsa, District- Saharsa
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Saharsa Sadar P.S. Case No. 665 of 2024 dated 04.07.2024 instituted for the offence punishable under Sections 126(2), 115(2), 308(3), 118(1), 117(2), 324(4)(5), 352, 351(2)(3), 74, 3(5) of the B.N.S.

3. The prosecution case, in short, is that on the alleged date of occurrence, the petitioners along with one co-accused persons, armed with knife, rod and lathi, came at the house of the informant and asked for five thousands rupees, otherwise vacate the house right now. Thereafter, they started assaulting the



informant, her husband, her father-in-law and her brother-in-law. It is also alleged that they caught the hair of the informant and thereafter dragged and assaulted her.

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 there is a case and counter case between the parties. The counter case bearing Saharsa Sadar P.S. Case No. 677 of 2024 has been lodged by co-accused Md. Aaftab against the injured persons and others . Learned counsel for the petitioners submits that there is no specific allegation against the petitioners rather the allegation against the petitioners are general and omnibus. It is further submitted that the injuries of Md. Sahbaz and Md. Yusuf are stated to be simple in nature caused by hard and blunt substances. As per the injury report of Md. Raju, his injury is lacerated wound on left mid forearm of size 1” x ¼” x 1/6”. Doctor opined his injury is grievous in nature and caused by hard and blunt substances. Learned counsel for the petitioners submits that the written complaint was submitted on 01.07.2024 but the F.I.R. has been lodged on 04.07.2024. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. On the other hand, learned A.P.P. for the State 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 petitioner within a period of six weeks from today, in connection with Saharsa Sadar P.S. Case No. 665 of 2024, they will be released on 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 C.J.M., Saharsa, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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