

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77071 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- ARER District- Madhubani

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1. Md. Mojahir @ Md. Monajir @ Mojahir S/O Md. Akbar R/O Village- Sinuwada, P.S- Arer, Distt.- Madhubani.
 2. Md. Dildare @ Md. Dildar @ Dildare S/O Md. Nasiruddin Marhum @ Md. Nasir R/O Village- Sinuwada, P.S- Arer, Distt.- Madhubani.
 3. Md. Ujale S/O Md. Nasiruddin Marhum @ Md. Nasir R/O Village- Sinuwada, P.S- Arer, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Vikas Kumar Jha, Advocate. Mr. Rahul Kumar Singh, Advocate.
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Arer P.S. Case No. 02 of 2024 dated 3.1.2024, registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

3. As per allegation, on account of land dispute, the informant was assaulted by the accused persons with fists and iron road. The allegation against Md. Dulare is of assaulting the informant by knife. There is also allegation of committing theft



by co-accused Niraley

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the injury report does not corroborate the allegation. As per the injury report, there are three injuries; two injuries on hand which are grievous and other injuries are simple in nature. He also submits that the alleged facts and circumstances does not make out the offence under Section 307 of the Indian Penal Code.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Benipatti (Madhubani), in connection with Arer PS. Case No. 02 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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