

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81583 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- BANIAPUR District- Saran

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1. Nawabbuddin @ Nawabbuddin Miyan S/O Late Sahban Miyan R/O Village- Manikpur, P.S- Baniyapur, Distt.- Saran, Bihar.
 2. Niyamat Ali S/O Nawabbuddin @ Nawabbuddin Miyan R/O Village- Manikpur, P.S- Baniyapur, Distt.- Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Sahay, Advocate
	:	Ms. Rupa Sinha, Advocate
	:	Mr. Rananjay Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the Informant	:	Mr. Ajay Kumar No.1, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. At the very outset, learned counsel for the petitioners prays for withdrawal of this anticipatory bail application on behalf of petitioner no.1.

3. Permission is accorded.

4. Accordingly, this application is dismissed as withdrawn on behalf of petitioner no.1.

5. However, if the petitioner no.1 surrenders within a period of three weeks and prays for regular bail before the learned Trial Court, the same shall be considered by the learned Trial Court on its own merits without being prejudiced by the



present order of withdrawal and may preferably be considered on the same day, considering the age of the petitioner.

6. Now, this application survives only for petitioner no.2.

7. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 504 and 506/34 of the Indian Penal Code.

8. The allegation in the First Information Report is that all accused persons came variously armed and started assaulting the informant and there is specific allegation on Nawabbudin of having assaulted the informant on his head, while the allegation on the petitioner no.2 is that of trying to strangle the informant.

9. It is submitted by learned counsel for the petitioner that there is a land dispute between the parties and there is a case and counter case and as a matter of fact the case filed on behalf of the petitioner no.1 against the informant and other family members is rather earlier in point of time and the First Information Report filed by the informant is rather after a delay of two days as the occurrence is said to have taken place on 12.06.2024 and the F.I.R. was lodged on 14.06.2024. Further, there are injuries on both sides and the injury report would go to



show that there is no corroborative injury upon the informant/injured, namely, Saheb Hussain as alleged upon the petitioner no.2 .

10. Learned counsel for the informant opposes the prayer for grant of anticipatory bail on the ground that the informant has suffered grievous injury.

11. Taking into consideration the facts and circumstances of the case and including the fact that the petitioner no.2 is not the author of the grievous injury and there is case and counter case, let the above named petitioner no.2, who has no criminal antecedent, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 lower Court where the case is pending/successor Court in connection with Baniyapur P.S. Case No.254 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

anand/-

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