

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70801 of 2018

Arising Out of PS. Case No.-66 Year-2018 Thana- GOPALPUR District- Gopalganj

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1. Shakil Ahmad @ Jhunna @ Jhuna @ Munna,
 2. Jawed Ahmad alias Tunna alias Tunna Mian,
Both sons of Md. Nazir Alam @ Mohammad Najir Alam @ Nazir Ahmad @ Nazeer Ahmad,
 3. Khurshed Ahmad alias Jhunna alias Khurshid Alam alias Khurshid Ahmad, Son of Late Majid Alam,
All are of resident of Village- Piprahi, Police Station- Uchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 447/448/341/323/379/504/34/307/354 of the Indian Penal Code and sections 25(1-B)a, 35, 37b of the Arms Act.

The prosecution case got initiated on the basis of written report dated 19.05.2018 submitted by Khurshid Alam to the Station House Officer, Gopalpur Police Station to the effect that on the same day, at 8.30. P.M., the informant was in his house, in the meantime, the accused persons came and started



taking out the informant from the house and thereafter, assaulted him. In the meantime, when the family members of the informant came to rescue him, then all accused persons assaulted them also. It is specifically alleged co-accused Md. Aasif snatched a gold chain and a pair of earring from Tabbsum Ara, whereas, co-accused, Mansoor Alam snatched a *mangal sutra* and a pair of earring from the sister-in-law of the informant, namely, Nahid Pravin. It is further alleged that the co-accused Najir Ahmad assaulted the informant and her mother with the butt of a pistol.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general and the injuries have been found to be simple in nature. There is a counter version of the occurrence, being Gopalpur P.S. Case No.67 of 2018. A statement has been made in paragraph no.3 of the petition that petitioner Nos. 1 and 2 were accused in Uchakagaon P.S. Case No. 27 of 2010, wherein they have been acquitted. Petitioner nos. 1 and 2 are also accused in Uchakagaon P.S. Case No. 222 of 2016, but in that case till date investigation has not been concluded. The petitioner no.2 is accused in three other cases, being Uchakagaon P.S. Case No.40 of 2017, Uchakagaon P.S. Case No.221 of 2016, Thawe P.S. Case No.138 of 2016, but in



all the three cases aforementioned, he is on bail. However, petitioner no.3 is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR.

Considering the accusation being omnibus and general and the injury being not corroborated with the medical opinion, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 the learned ACJM-XI, Gopalganj, in connection with Gopalpur P.S. Case No.66 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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