

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17380 of 2020**

=====

1. Md. Sarfuddin @ Sarfu Ji Uddin @ Md. Sarfuji Uddin
2. Md. Yusuf @ Md. Yunus
3. Md. Kasif @ Md. Kasim
all sons of Sarfuddin @ Safaruddin
4. Md. Sharukh Khan @ Sharukh Ahmad son of Chando Miyan,
Dharmuchak, P.S.- Neemchak Bathani, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-07-2020 Heard learned counsel for the petitioners and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest
bail in connection with Neemchak Bathani P.S. Case No. 167 of 2019
registered for the offences under Sections 147, 341, 342, 323, 324,
307, 379, 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that apart from
the present case there is a counter case and a different story has been
narrated by the petitioners' side. In the present FIR there are general
and omnibus kind of allegations that all the nine accused persons
took the informant in the House of one Jamuna Khatun and assaulted
him by iron rod and sword causing injury but the injury report
brought on record as Annexure '2' series would show that only one



lacerated bleeding wound has been found on the head behind ear (pinna) and two other injuries are tender swelling and radish swelling. All these injuries are said to have been caused by hard and blunt object and those are simple in nature.

Learned counsel submits that the supplementary injury report is available on the record showing that all the injuries are simple. It is further submitted that the FIR was not lodged on the same day rather it was lodged on the next day with an after-thought.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioners but considering the facts and circumstances of the case, the nature of allegations which are not getting support from the injury reports available on the record and that the injuries are said to be simple in nature and that different version of the story giving rise to a counter case, this Court is inclined to grant anticipatory bail to the petitioners. Let the petitioners above named in the event of their arrest or surrender within a period of six weeks from today in connection with Neemchak Bathani P.S. Case No. 167 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. X, Gaya, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

This application is allowed.

(Rajeev Ranjan Prasad, J)

Avin/sushma

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

