

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20029 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- HATHUA District- Gopalganj

1. Afzal Son Of Kitubuddin Resident Of Village - Mathiya, Police Station - Hathua, District - Gopalganj.
2. Rukhmuddin Son Of Kitabuddin Resident Of Village - Mathiya, Police Station - Hathua, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-07-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Hathua P.S. Case No. 119 of 2020 registered for the offence punishable under Sections 120 (B), 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, three miscreants including the petitioners on two motorcycle intercepted the informant, accused Afzal fired from the katta causing injury on the left hand of the



informant and on *hulla* all accused escaped. It is alleged that cause of the said occurrence is said to be an altercation happened in past with *Kitabuddin*.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that the petitioners and the informant are from same village and several disputes in between them are going on due to which petitioners have been falsely implicated in this case. He further submits that there is inordinate delay in filing of the F.I.R.. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent and have been languishing in custody since 24.11.2020.

Learned APP for the State opposed the bail petition submitting that petitioner No. 1 fired upon the informant with an intention to kill him which is also transpired from the impugned order.

In the facts and circumstances of the case that there is general and omnibus allegations against the petitioner No. 2, let Petitioner No. 2, *Rukhmuddin*, be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Hathua P.S. Case No. 119 of 2020.



Let Petitioner No. 1, *Afzal*, be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Hathua P.S. Case No. 119 of 2020 **after completing one year of incarceration from the date of custody.**

(Anjani Kumar Sharan, J)

GAURAV S./-

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