

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14548 of 2020

Arising Out of PS. Case No.-328 Year-2019 Thana- BELAGANJ District- Gaya

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1. Md. Samir S/o Md. Ujair R/o- Village- Hasanpur, P.S.- Belaganj, District- Gaya.
 2. Md. Afjal S/o Md. Ujair R/o- Village- Hasanpur, P.S.- Belaganj, District- Gaya.
 3. Md. Akil S/o Late Mubarak Miya R/o- Village- Hasanpur, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha
For the Opposite Party/s	:	Mr.Ashok Kumar
For the informant	:	Md. Hussain

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 15-03-2021 Heard the learned counsel for the petitioners and
Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Belaganj PS case no. 328 of 2019 registered for the offences punishable under Sections 341, 323, 379, 506/34 of Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having surrounded the informant and his younger brother, whereafter they are alleged to have assaulted them.

The learned counsel for the petitioners has



submitted that the petitioners are innocent and have been falsely implicated in the present case. The learned counsel for the petitioners has further submitted that the present case arises out of Belanganj PS case no. 328 of 2019 and immediately thereafter, another case bearing Belanganj PS case no. 330 of 2019 was lodged by the same informant for the same occurrence, however the petitioners have been granted the privilege of anticipatory bail in the said case by a co-ordinate Bench of this Court vide order dated 05.11.2020, passed in Cr. Misc. no. 15500 of 2020. It is further submitted that the present case arises out of case and counter case, inasmuch as a case has also been filed on behalf of the petitioners bearing Belanganj PS case no. 331 of 2019.

The learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also those available in the case diary, I find that a general and omnibus allegation has been levelled against the petitioners and moreover, the injuries sustained by



the injured persons are simple in nature apart from the fact that immediately, a second F.I.R. was lodged by the informant of the present case pertaining to the same occurrence, bearing Belaganj PS case no. 330 of 2019, in which the petitioners have already been granted anticipatory bail, hence I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Belanganj PS case no. 328 of 2018 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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