

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27252 of 2020

Arising Out of PS. Case No.-160 Year-2020 Thana- ARARIA District- Araria

1. MASABBIR @ MOSABBIR S/o Gayash Resident of Village- Chandradei, Tola Rahika, Ward Number-1, P.S.- Araria R.S., Dist- Araria.
2. Gayash S/o Late Shahid Resident of Village- Chandradei, Tola Rahika, Ward Number-1, P.S.- Araria R.S., Dist- Araria.
3. Domnir W/o Gayash Resident of Village- Chandradei, Tola Rahika, Ward Number-1, P.S.- Araria R.S., Dist- Araria.
4. Rahmati D/o Gayash Resident of Village- Chandradei, Tola Rahika, Ward Number-1, P.S.- Araria R.S., Dist- Araria.
5. Shalig @ Salik S/o Iliyas Resident of Village- Chandradei, Tola Rahika, Ward Number-1, P.S.- Araria R.S., Dist- Araria.
6. Shamshad S/o Wahid Resident of Village- Chandradei, Tola Rahika, Ward Number-1, P.S.- Araria R.S., Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-01-2021 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in Araria (RS) P.S. Case No. 160 of 2020, registered for the offences punishable under Sections 147, 148, 149, 342 and 302 of the Indian Penal Code.

Prosecution case in brief is that due to dispute among the kids of the family, altercation took place between the parties.



In the said altercation, informant's father fell down into the *Naad*, as a result of which, he sustained injuries and during course of treatment he died.

It is submitted that petitioners have been falsely implicated in this case. The instant FIR has been lodged after death of the deceased i.e., after five days of the occurrence. There is general and omnibus allegation. Petitioners are alleged to have assaulted the informant side with fists and slaps. Petitioners have got clean antecedent, as stated in para 3 of the petition.

However, learned APP vehemently opposed the bail application and submitted that it has come in the statement of witnesses that Mossabir petitioner no. 1 threw informant's father into Naad, who succumbed to the injuries.

So far as case of Mosabbir petitioner no. 1 is concerned, there is specific allegation against him that he threw informant's father into *Naad*, therefore, I am not inclined to enlarge petitioner no. 1 on anticipatory bail. Accordingly the same is rejected.

Having considered the fact that there is general and omnibus allegation against rest of the petitioners, the petitioner nos. 2, 3, 4, 5 and 6 above-named, in the event of their



arrest/surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail 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 Chief Judicial Magistrate, Araria in connection with Araria (RS) P.S. Case No. 160 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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