

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30588 of 2020

Arising Out of PS. Case No.-155 Year-2019 Thana- JALALGARH District- Purnia

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1. PRAWEZ S/o Rafique Resident of Village-Bhuna, Police Station-Mahalgaon, District-Araria.
 2. Abrez S/o Rafique Resident of Village-Bhuna, Police Station-Mahalgaon, District-Araria.
 3. Sajid S/o Late Safique Resident of Village-Bhuna, Police Station-Mahalgaon, District-Araria.
 4. Dilnawaz @ Kaila S/o Rais Resident of Village-Jamira, Police Station-Jalalgarh, District-Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sanjana, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 20-01-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Jalalgarh P.S. Case No. 155 of 2019, registered under sections 307, 341, 323, 324, 325, 379, 504, 506 and 34 of the Indian Penal Code.

As per allegations in the FIR, it is stated that the seven named accused persons including the four petitioners herein started to abuse and assault the informant with *lahti*, *danda* etc.



It is further stated that the petitioner no. 1 assaulted the brother of the informant on his head with a rod injuring him and co-accused Tabrej and petitioner no. 2 took away Rs. 1.13 lac from the informant.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and concocted. The petitioners have been falsely implicated in the case. It is submitted that so far as the petitioner nos. 2, 3 and 4 are concerned, the allegations are either general and omnibus in nature or there is no allegation of any overt act. With respect to petitioner no. 1, it is submitted that although the allegations are of assault, the same are not supported by the injury report which has been quoted in paragraph no. 7 of the petition. It is further submitted that the injury report also does not support the assault by seven named accused persons including the four petitioners herein. The petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the specific allegation against the petitioner no. 1 of having assaulted the brother of the informant with a iron rod and the doctor having found the injury on the



injured to be dangerous cut wound, the Court is not inclined to enlarge the petitioner no. 1 on anticipatory bail, and, as such, the same is rejected.

So far as petitioner nos. 2, 3 and 4 are concerned, the Court is inclined to enlarge them on bail. The petitioner nos. 2, 3 and 4 are directed to surrender in the Court below within a period of six weeks from today and in the event of their arrest or surrender in connection with Jalalgarh P.S. Case no. 155 of 2019, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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