

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7315 of 2021

Arising Out of PS. Case No.-448 Year-2020 Thana- ARARIA District- Araria

1. ZAFIR Son of Late Taslim Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
2. Kafil Son of Late Taslim Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
3. Rafique Son of Late Taslim Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
4. Abusama Son of Kafil Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
5. Atabul Son of Rafique Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
6. Bibi Saleha @ Bibi Saliya Wife of Rafique Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
7. Sanjida Wife of Kafil Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
8. Rukhsana @ Ruksana Wife of Zafir Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
9. Sagufta @ Sagupta Wife of Navir Resident of Village - Rampur, Mohanpur, Bochi Tola, Ward No.2, P.S.- Bairgachhi (O.P), District- Araria.
10. Navi @ Bibi Hasan @ Navi Hasan Son of Late Zahir Resident of Village - Bochi, Ward No.3, P.S.-Bairgachhi (O.P.), Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Adv.
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2021 Heard the learned counsel for the petitioners
and the learned A.P.P. for the State.

At the outset, the learned counsel for the
petitioners seeks to withdraw the present petition
qua the petitioners no. 1 and 3 with liberty to them



to surrender before the learned court below and seek regular bail.

Accordingly, the present petition stands disposed of as not pressed qua the petitioners no. 1 and 3 with the aforesaid liberty as sought for by them.

This is an application for grant of anticipatory bail in connection with Araria P.S. Case No. 448/2020 (G.R. No. 2001/2020) registered for the offence punishable under Sections 147, 149, 341, 323, 324, 379, 427, 504 and 506 of the Indian Penal Code.

The allegation is regarding dispute having arisen on account of a child having defecated in the lane situated near the house of the accused persons. The accused persons are stated to have abused the informant and upon the informant having told the accused persons not to abuse him, the accused persons are stated to have assaulted the informant. Specific allegation of overt act has been levelled against the petitioners no. 1 and 3 and as far as the other petitioners are concerned, a



general and omnibus allegation has been levelled.

The learned counsel for the petitioners no. 2 and 4 to 10 has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the petitioners no. 2 and 4 to 10 has further submitted that the present case arises out of case and counter case. It is further submitted that as far as the petitioner no. 1 and 3 are concerned, specific allegation of overt act has been levelled, however, a general and omnibus allegation has been levelled against the rest of the petitioners, hence, they are entitled to be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has 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 no. 2 and 4 to 10 and taking into account the materials available on record, this Court finds that as far as the petitioners no. 2 and



4 to 10 are concerned, a general and omnibus allegation has been levelled and moreover, they are having a clean antecedent, hence, I deem it fit and appropriate to grant the privilege of anticipatory bail to the petitioners no. 2 and 4 to 10.

Accordingly, the petitioners no. 2 and 4 to 10 are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria in connection with Araria (Bairgachhi) P.S. Case No. 448 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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