

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25810 of 2021

Arising Out of PS. Case No.-386 Year-2020 Thana- BAIRIYA District- West Champaran

1. SHAHRUKH ALAM @ SARUKH ALAM Son of Sri Suresh Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
2. Quais Alam Son of Sarazul Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
3. Meraj Gaddi @ Meraj Alam Son of Isha Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
4. Mahboob Gaddi Son of Sahzul Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
5. Naushad Gaddi @ Naushad Alam Son of Late Bhutti Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
6. Uger Gaddi @ Ugir Gaddi Son of Late Dhani Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
7. Jane Alam Son of Isha Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
8. Fazil Gaddi Son of Uger Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
9. Firoz Gaddi Son of Kavilash Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.
10. Ekram Gaddi Son of Andaj Gaddi Resident of Village - Bhatwaliya, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-01-2022 It is submitted by learned counsel for the petitioner that during pendency of this application, petitioner no. 1 has been arrested and, as such, he seeks permission to withdraw this application.

In view of the aforesaid submission, this application is dismissed as withdrawn only against petitioner no. 1.



Now learned counsel for the petitioners is pressing this bail application only against petitioner nos. 2 to 10.

This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bairiya P.S. Case no. 386 of 2020 instituted for the offence under Sections 147, 341, 323, 324, 325, 307, 379 and 504 of the Indian Penal Code.

As per allegation in the FIR, when the informant was at his door, some accused persons including the petitioners came there and started abusing and assaulting to the informant. When his uncle and brother came there for rescue, they were also beaten up by the accused persons.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case. General and omnibus allegations have



been levelled against them. Both parties have received injuries. There is case and counter case. They have got no criminal antecedent. some of the similarly situated accused persons have been allowed anticipatory bail by this Court by order dated 17.1.2022 passed in Cr. Misc. No. 24199 of 2021.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners no. 2 to 10 on bail. The petitioners no. 2 to 10 are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bairiya P.S. Case no. 386 of 2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, West Champaran, Bettiah subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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