

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37270 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- ARIYARI District- Sheikhpura

1. EKRAMUL HAQUE @ EKRAMU HAQ @ EKRAM SON OF KADIR KHAN R/O VILLAGE- ARIYARI, P.S.- ARIYARI, DISTRICT- SHEIKHPURA
2. MAKHDUM KHAN @ MAKHDUM IBRAHIM SON OF KALIMUDDIN R/O VILLAGE- ARIYARI, P.S.- ARIYARI, DISTRICT- SHEIKHPURA
3. PRAWAJ KHAN @ RAJA RAM SON OF LATE NISAR KHAN R/O VILLAGE- ARIYARI, P.S.- ARIYARI, DISTRICT- SHEIKHPURA
4. ALLAUDDIN KHAN SON OF LATE AJIJ KHAN R/O VILLAGE- ARIYARI, P.S.- ARIYARI, DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Ms. Asha Devi, APP
For the Informant/s	:	Mr. Dinkar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioners, the learned counsel for the informant and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner nos. 1 and 2.

Permission is accorded.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 326, 307, 448 and 354 of the Indian Penal Code and 27 of the Arms Act.



Learned counsel for the petitioners submits that the petitioner nos. 3 and 4 are having one antecedent and the informant alleges that Md. Shahid fired causing injury on his chest, thereafter Kalimuddin, Makhdum, Ekram and Sikandar gave repeated sword blow to Naushad Khan, Munsif Khan and Ilyas Khan causing injury on head, further the teeth of his uncle was also broken, it is next alleged that the reason for the occurrence is that the accused persons came for taking revenge, as informant had earlier instituted the case against them under the Arms Act.

Learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the FIR it would manifest that as far as petitioner nos. 3 and 4 are concerned against them, there is no specific allegation of assault rather the allegations against them are general and omnibus in nature, it is also submitted that specific allegation of firing and assaulting by sword is against the named accused persons, as detailed in the FIR.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners, but are not in a position to rebut the submission of the learned counsel for the petitioners that there is no specific



allegation of assault against petitioner nos. 3 and 4.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 3 and 4, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ariyari P.S. Case No. 11 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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