

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59301 of 2021

Arising Out of PS. Case No.-155 Year-2020 Thana- LAURIA District- West Champaran

1. MD. QUAISH NAWAJ S/o MD. IJAHAR R/o VILLAGE-KANDHWALIYA, P.S-LAURIYA, DISTRICT-WEST CHAMPARAN.
2. MD. IMRAN S/o MD. IJAHAR R/o VILLAGE-KANDHWALIYA, P.S-LAURIYA, DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-06-2022 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Lauriya PS case no. 155 of 2020 registered for the offences punishable under Section 379 and other allied sections of Indian Penal Code.

The case of the prosecution in brief is that on the alleged date and time of occurrence while the informant was coming back to his home and had reached near the house of Sheikh Rais, the accused persons including the petitioners herein had surrounded him, whereupon the co-accused person namely Ekhlakh Rahman had assaulted the informant on his



chest by knife. It is also alleged that thereafter, the other accused persons had also assaulted the informant and his uncle's son.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that specific allegation of assaulting by knife on the chest of the informant has been levelled against the co-accused person namely Ekhlakh Rahman and as far as the petitioners are concerned, a general and omnibus allegation has been levelled, hence the petitioners may be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for grant of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the petitioners have not specifically been alleged to have assaulted the informant or his uncle's son and only a general and omnibus allegation has been levelled apart from the fact that they are having a clean antecedent and the main accused appears to be



Ekhlaq Rahman, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioner, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Bettiah, West Champaran in connection with Lauriya PS case no. 155 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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