

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51373 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- BAJPATTI District- Sitamarhi

1. MD. TUFAIL SON OF MUNNE @ SHAUKAT ALI R/O VILLAGE-BANTARA, P.S.- BAJPATTI, DISTRICT- SITAMARHI
2. AZAM ARIF @ ARJOO @ AJAM ARIF SON OF KARI KAMAL R/O VILLAGE- BANTARA, P.S.- BAJPATTI, DISTRICT- SITAMARHI
3. SHAUKAT ALI @ MUNNE SON OF JAMALUDDIN R/O VILLAGE-BANTARA, P.S.- BAJPATTI, DISTRICT- SITAMARHI
4. MOKARRAM ARIF @ DANISH SON OF KARI KAMAL R/O VILLAGE- BANTARA, P.S.- BAJPATTI, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 341, 323, 324, 307, 504/34 of IPC and 37(c) of Bihar Prohibition and Excise Act, 2018.

Allegedly, the petitioners along with others assaulted the informant's side by means of deadly weapons. It is further alleged that co-accused Md. Fahad and Ashraf were in drunken



condition.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner nos.2, 3 and 4 is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. In the alleged occurrence both sides have sustained injuries. The specific allegation is against the petitioner no.1 to assault the informant due to which he sustained grievous injury. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regards to the facts and circumstances of the case, since there is a specific allegation against the petitioner no.1, I am not inclined to enlarge the petitioner no.1 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, there is general and omnibus allegation against the petitioner nos.2, 3 and 4, let the above named petitioner nos.2, 3 and 4 be released on bail, in the event of their arrest or surrender before the learned court below within a period of six



weeks from today, on furnishing bail bond of Rs. 25,000/-
(Rupees Twenty Five Thousand) **each** with two sureties of the
like amount each to the satisfaction of the learned court below
where the case is pending/Successor Court in Bajpatti P.S. Case
No.304 of 2021, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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