

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69922 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- CIVIL LINE District- Gaya

1. Md. Hanif, S/O Md. Yaqub R/O New Karimganj, P.S.- Civil Line, District- Gaya
2. Md. Arif, S/O Md. Hanif R/O New Karimganj, P.S.- Civil Line, District- Gaya
3. Md. Chunnu @ Sahnabaj Alam @ Md. Shahnawaz Alam, S/O Md. Salim Raza R/O New Karimganj, P.S.- Civil Line, District- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Syed Asgher Najmi
For the Opposite Party/s :	Ms. Pushpa Sinha
	Mr. Praveen Kumar
	Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

7 20-09-2022 Vide order dated 20.04.2022, the anticipatory bail application was withdrawn with respect to petitioner no.1.

Heard learned counsel for the rest petitioners, learned counsel for the informant and learned APP for the State.

The petitioner nos.2 and 3 seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 323, 324, 504, 506 and 308 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioner no.2 has antecedent of one case and petitioner no.3 is a person with clean antecedent and the informant alleges that on 19.03.2021 while he was doing for some work at his



home when his uncle Md. Hanif along with his two sons namely, Md. Danish and Arif came and assaulted the labourer, who were performing work and when the informant got the information, he reached the place of occurrence. It is next alleged that on receiving the informant along with his brother came to the place of occurrence and where the accused persons assaulted them brutally causing injuries on head and face.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that petitioners are related and on account of dispute between the parties, the present occurrence took place. It is also submitted that from the side of the petitioners also Civil Line P. S. Case No.165 of 2021 was instituted and from the side of the petitioner also people have suffered injuries. It is next submitted that the informant has compromised the case with Md. Danish, who is also an accused in the present case. The learned counsel thus submits that when allegation against all the accused is similar in nature, then entering into compromise selectively by the informant goes to show that the informant for some ulterior reason is trying to implicate the other accused persons.

The learned counsel for the informant as well as



learned A.P.P. opposes the bail application, but the learned counsel for the informant is not in a position to rebut the submission of the learned counsel for the petitioners that the informant selectively has entered into compromise with Md. Danish leaving other accused persons when the allegation against the accused persons is similar in nature.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Civil Line P. S. Case No.166 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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