

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7382 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- BHAWANIPUR District- Purnia

1. MD. MOKIM SON OF LATE VASEER R/O VILL.- JABE, P.S.- BHAWANIPUR, DISTT.- PURNEA
2. RAJINA KHATOON @ BIBI TARINA KHATOON WIFE OF MD. MOKIM R/O VILL.- JABE, P.S.- BHAWANIPUR, DISTT.- PURNEA
3. MD. GULDAR @ GULJAR @ MD. GULJAR SON OF LATE DOMAN R/O VILL.- LATAMBARI, P.S.- BHAWANIPUR, DISTT.- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard the parties.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application as against petitioner no.2, who has been apprehended by the police during pendency of this application.

Permission is granted.

This application with regard to petitioner no.2 is dismissed as withdrawn.

Now, it is being heard for consideration of anticipatory bail on behalf of petitioner nos.1 and 3 only.

The petitioners apprehend their arrest in a case registered



for the offence punishable u/s 341, 323, 324, 325, 307, 379, 504, 506, 34 of the IPC.

Allegedly, petitioner no.1 is said to have given iron rod blow on the head of husband of informant and petitioner no.3 is said to have snatched Rs.4550/- from his pocket.

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 due ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. There is general and omnibus allegation against the petitioners. For the alleged occurrence, there is case and counter-case between the parties and both sides are agnates having land dispute between them. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.1 to assault the husband of the informant and injury was found to be grievous in nature.

Having regard to the facts and circumstances of the case, since there is general and omnibus allegation against the petitioner no.3, let the above named petitioner no.3, be released on bail, in the event of his 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 connection with Bhawanipur P.S. Case No.131 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, since there is specific allegation against the petitioner no.1 to assault the informant and injury was found grievous in nature, I am not inclined to enlarge the petitioner no.1 on anticipatory bail. His prayer for bail is rejected.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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