

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12400 of 2023

Arising Out of PS. Case No.-71 Year-2020 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Irashad Ahmad @ Chand Son Of Sirajuddin R/O Village- Charyari, P.S.-
Sheikhpura, District- Sheikhpura
 2. Md. Mumtaj Rizvi @ Munnu Son Of Sirajuddin R/O Village- Charyari, P.S.-
Sheikhpura, District- Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Lal

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 448, 341, 323, 504, 354, 307, 379 and 506 of the Indian Penal Code and later on 302 IPC was added.

As per prosecution case, informant alleged that on 28.09.2020, when she was sitting in her house in the meantime petitioners along with co-accused persons entered into her house and started abusing and upon protest petitioner no-1 fired from his pistol but it was missed then he assaulted on the head of the informant by butt of the pistol due to which



she fell down. Thereafter, the deceased came to rescue the informant but he was assaulted by the co-accused persons due to which he succumbed to injury. It is further alleged that during course of alleged occurrence petitioner no-1 also snatched golden chain of the informant and after threatening all accused persons fled away.

Learned counsel for the petitioner submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case due to land dispute. As per FIR the petitioner no-1 assaulted the informant with the butt of the pistol but he has not assaulted the deceased. There is no specific allegation of assault against the petitioners rather general and omnibus allegation leveled against them. A series of cases have been lodged by both the parties. Similarly situated co-accused has already been granted bail by a coordinate Bench of this Court vide order dated 22.02.2023 passed in Cr. Misc. No. 61116 of 2022. It is further submitted that petitioners have got no criminal antecedent moreover, they have been languishing in judicial custody since 21.11.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the



prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sheikhopur Sarai P.S. Case No. 71 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura.

(Sunil Kumar Panwar, J)

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